

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW MEXICO

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs. NO: CR-15-4268 JB

6 ANGEL DELEON, et al.,

7 Defendants.  
8

9 Transcript of excerpt of testimony of

10 BILLY CORDOVA

11 February 22, 2018 and February 23, 2018  
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1 February 22, 2018

2 THE COURT: All right. Does the United  
3 States have its next witness or evidence?

4 MR. CASTELLANO: Your Honor, the United  
5 States calls Billy Cordova.

6 THE COURT: All right. Mr. Cordova, if  
7 you'll come up and stand next to the witness box  
8 right in front of you. Before you're seated, my  
9 courtroom deputy, Ms. Standridge, will swear in. So  
10 if you'd raise your right hand to the best of your  
11 ability there, she'll swear you in.

12 BILLY CORDOVA,  
13 after having been first duly sworn under oath,  
14 was questioned, and testified as follows:

15 THE CLERK: Please be seated. State and  
16 spell your name for the record.

17 THE WITNESS: My name is Billy Cordova.  
18 B-I-L-L-Y, C-O-R-D-O-V-A.

19 THE COURT: Mr. Cordova. Mr. Castellano.

20 MR. CASTELLANO: Thank you, Your Honor.

21 EXAMINATION

22 BY MR. CASTELLANO:

23 Q. Good morning, Mr. Cordova.

24 A. Good morning, sir.

25 Q. Are you now or have you ever been a member

1 of the SNM Prison Gang?

2 A. Yes, I was a member of SNM Prison Gang.

3 Now I'm a former member of SNM Prison Gang.

4 Q. Why do you say that you're now a former  
5 member?

6 A. Because I am no longer an SNM Gang member  
7 because I'm here testifying today for the federal  
8 government.

9 Q. And before you became a member of the SNM,  
10 had you been a member of any other gangs?

11 A. Yes, sir.

12 Q. What gang was that?

13 A. That was Moras Park, M-O-R-A-S, P-A-R-K.

14 Q. What kind of gang was that?

15 A. It's a street gang in Albuquerque, New  
16 Mexico. It originated from Juarez, Mexico. It's  
17 located in the war zone, Northeast Albuquerque.

18 Q. Where is the war zone?

19 A. It's the radius between Marquette to  
20 Southern, from Louisiana to Wyoming.

21 Q. How old were you when you entered that  
22 gang?

23 A. Eight years old.

24 Q. How did you get into the gang?

25 A. It was a probation period of doing

1 robberies, drive-by shootings, assaults on other  
2 rival gang members and selling narcotics for them.  
3 Then they seen I was worthy of getting ranked in,  
4 jumped into the gang.

5 Q. How did you get ranked into the gang?

6 A. Four members of the Moras Park Gang jumped  
7 me, beat me up for one minute.

8 Q. How old were you at that point?

9 A. I was nine years old; eight years old,  
10 nine.

11 Q. As a result of your activities with the  
12 gang, did you eventually get convicted of a crime as  
13 a juvenile, but in that case you were actually  
14 adjudicated as an adult?

15 A. Yes, but that was more for SNM at that  
16 time.

17 Q. So when you were -- let me start by  
18 introducing Government's Exhibit 242.

19 MR. CASTELLANO: Your Honor, at this time,  
20 I'd move the admission of Government's Exhibit 242.  
21 This is Mr. Cordova's -- what we've been referring  
22 to as his penitentiary pack or pen pack.

23 THE COURT: Any objection from any  
24 defendant?

25 MR. VILLA: No, Your Honor.

1 THE COURT: Not hearing any or seeing any,  
2 Government's Exhibit 242 will be admitted into  
3 evidence.

4 (Government Exhibit 242 admitted.)

5 BY MR. CASTELLANO:

6 Q. Mr. Cordova, I'm going to show you,  
7 starting on page 23103 of that exhibit. Okay.

8 Sir, are you able to see that on your  
9 screen?

10 A. Yes, sir.

11 Q. And what is that paperwork we're looking  
12 at?

13 A. It's a judgment and sentence, a J&S, from  
14 some charges I had did, some crimes I had did,  
15 for -- basically at that time it was for the SNM.

16 Q. And it says here it occurred on or about  
17 February 3rd of 2001. Do you see that part there  
18 I'm circling?

19 A. Yes, sir.

20 Q. How old were you in 2001?

21 A. 16 years old, sir.

22 Q. And as a result of your conduct, did the  
23 Court treat you as an adult and therefore convict  
24 you as an adult rather than a juvenile?

25 A. Yes, sir. That, and because of my prior

1 history.

2 Q. So you had enough history as a juvenile  
3 that the Court thought this was serious enough to  
4 treat you as an adult?

5 A. Yes. I had a lot of violent history as a  
6 juvenile. And I did time in YDDC, Camino de Nuevo,  
7 and Springer.

8 Q. What are those three places, starting with  
9 YDDC?

10 A. YDDC is a Youth Diagnostic Detention  
11 Center for juveniles. And I did time there. And  
12 then I did time at Camino Nuevo, which is a super  
13 max prison for juveniles, because of my violence in  
14 the institution.

15 And then I did time in Springer for -- I  
16 think all of it altogether were for armed robberies,  
17 trafficking cocaine, attempted murder, things like  
18 that, for the gang, for the street gang.

19 Q. Now, when you first started committing  
20 crimes, was it for your street gang?

21 A. Yes, sir.

22 Q. And at some point in time did you start  
23 committing crimes for the SNM Gang?

24 A. Yes, sir.

25 Q. I want to ask if you ever met somebody



1 named Angel Munoz?

2 A. Yes, sir. I met him in 2001 through  
3 another SNM Gang member, Baby Zack.

4 Q. And did you meet Angel Munoz on the  
5 streets or in prison?

6 A. In the streets.

7 Q. How did you get to meet Angel Munoz?

8 A. At that time, he was living in  
9 Martineztown. I'm pretty sure it was Walter and  
10 Mountain. And I went to help out my mother -- the  
11 father -- my baby's mom's brother -- I went to help  
12 him out, because he had got into debt with Angel  
13 Munoz.

14 When he got out of the prison, he was put  
15 to work for the SNM, because he was SNM, to sell  
16 narcotics for them. He had came up short on some of  
17 the narcotics. So Angel Munoz had him hostage at  
18 gunpoint, and was demanding he repay the money, and  
19 he was going to kill him.

20 Q. How did you help him out?

21 A. I went and I paid \$500 in debt to him.

22 At that time, Angel Munoz took a liking to  
23 me. He asked me who I was and if I was down to do  
24 things to further my agenda with the SNM, if I ever  
25 hit prison.

1 Q. At that point, are you still a member of  
2 the street gang, or are you --

3 A. Yeah, I've always still been a member of  
4 the street gang until now, until I'm doing this now.

5 Q. Okay. So then who was Angel Munoz, as far  
6 as you knew?

7 A. He was the leader at that time of SNM.

8 Q. And tell us about when you first met him.  
9 Was he by himself? Did he have protection? Who was  
10 there?

11 A. He had protection. I'm pretty sure there  
12 was one of the individuals that's -- you guys know  
13 him -- Jake Armijo; Jacobo. And that was it at that  
14 time.

15 Q. And is Jacobo someone different than Jake  
16 Armijo?

17 A. Yes. He was another influential member of  
18 the SNM.

19 Q. How did you pay off this debt, in terms of  
20 was it money, was it --

21 A. Yeah, I paid in money. I knew who the  
22 guys were. I was fascinated by them because of the  
23 respect and the fear they had on the streets at that  
24 time. And he asked me to do -- if I could get  
25 people that owed him money and bring them to him; if

1 I could like rob his competition. At that time, SNM  
2 was trying to take over the drug connections in  
3 Albuquerque, New Mexico. So I was set on a series  
4 of robberies. I would go --

5 Q. Who would you rob?

6 A. I would rob other gang members, other drug  
7 dealers. I would go in and I would let them know:  
8 This is for SNM, either you guys are going to pay  
9 tax or we're going to come back and we're going to  
10 rob you. Next time, we might kill you.

11 There was one of the individuals I know  
12 that was a rival drug dealer down the street; his  
13 name, it was Popeye, from Martineztown. I kidnapped  
14 him. We tasered him, kidnapped him, tied him up and  
15 took him to Angel Munoz. And I don't know whatever  
16 happened to him. I left from there.

17 Q. Let me stop you there then. When you say  
18 you kidnapped him, did you take him by force?

19 A. Yes, I took him by force. We kicked in  
20 the door of the front house, went in there armed  
21 with weapons. I tasered him, then zip-tied him,  
22 then put a gag over his face so he wouldn't see  
23 where we were going. Drug him out; we threw him in  
24 the trunk of a car; and then we took him to Angel  
25 Munoz.

1 Q. How old were you at this time?

2 A. I was 16; I had just got out of the  
3 Springer, the boys' school.

4 Q. And were you paid anything in exchange for  
5 delivering this person to Angel Munoz?

6 A. Yes. I was given a quarter ounce of crack  
7 cocaine.

8 Q. And were you using drugs at that time?

9 A. No, sir.

10 Q. Now, was anybody at that point mentoring  
11 you or supervising you?

12 A. Yes, it was Baby Zack.

13 Q. And who was he?

14 A. I'm pretty sure his name is Zackary  
15 Garcia, or Reynaldo Zachary Garcia. And he was my  
16 baby's mom's brother. He had just got out of the  
17 Hobbs prison in New Mexico.

18 Q. Was he an SNM Gang member?

19 A. Yes, sir.

20 Q. Was he related to any other gang members  
21 that you knew of?

22 A. Yes, he was related to "Wild Bill," Billy  
23 Garcia.

24 Q. Who is Wild Bill?

25 A. Wild Bill is another big influential

1 member of the SNM; another what you can say shot  
2 callers.

3 Q. At this point, did Baby Zack go with you  
4 on some of these robberies and things of that  
5 nature?

6 A. Yes, he went with me on many of them. He  
7 told me how to do them. On a lot of them he was a  
8 lookout down the street while I'd be in there doing  
9 them.

10 Q. And at this point are you an SNM member,  
11 or are you maybe a prospective member?

12 A. No, I'm a prospect. I'm a Zia Keeskee.

13 Q. Where did you learn that term?

14 A. When I came to prison -- well, I learned  
15 that in the streets. But when I came to prison, I  
16 learned more about it. But at that time I was a  
17 prospect. I was being groomed, what they call being  
18 groomed to be a carnal.

19 Q. What did the term Zia Keeskee mean to you?

20 A. It's a Zia, they say Zia because we  
21 represent New Mexico. The Zia, New Mexico. And  
22 Keeskee is a prospect, it's Mayan. It's Mayan for  
23 prospect.

24 Q. So that's a Mayan word?

25 A. Yes, sir.

1 Q. At some point, did Baby Zack get arrested?

2 A. Yes, he got arrested on a parole  
3 violation.

4 Q. What did you do then without Baby Zack  
5 mentoring you?

6 A. At that time, I just kept on doing what I  
7 was doing in the streets with my street gang until I  
8 was arrested.

9 Q. And now I'm taking you back to  
10 Government's Exhibit 242. And this is page 23103 of  
11 that exhibit, you'll see it in a second. Is that  
12 the charge that eventually got you into prison?

13 A. I can't see it, sir.

14 Q. It will come up in a second. The  
15 computer's a little slow. There it is.

16 A. Yes, sir.

17 Q. About how long were you in prison this  
18 first time?

19 A. At that time, I was incarcerated for maybe  
20 a maximum of a year, and I was released on a  
21 deferred sentence, and given five years' probation.

22 Q. Where were you initially incarcerated when  
23 you got to jail or prison this first time?

24 A. At this time I was in the Juvenile  
25 Detention Center, but the court order reprimanded

1 (sic) me over to the adult jail because of the  
2 violence I was inflicting in the juvenile facilities  
3 at the time. I put three kids in a coma, and they  
4 thought that I should be reprimanded over because  
5 they couldn't handle me as a juvenile.

6 Q. At some point in 2003 are you back in jail  
7 or prison?

8 A. Yes, I'm back in jail. I'm at the BCDC,  
9 county downtown.

10 Q. What was BCDC? What was the full name for  
11 it?

12 A. Bernalillo County Detention Center. It's  
13 a county jail.

14 Q. Is that the jail that used to be in  
15 downtown Albuquerque?

16 A. Yes.

17 Q. Is that still open now?

18 A. No, sir.

19 Q. What jail replaced that jail?

20 A. MDC.

21 Q. What does MDC stand for?

22 A. Metropolitan Detention Center.

23 Q. So in 2003, are you a member yet, or are  
24 you still a prospect?

25 A. I became a member in 2003. But I was

1 still a prospect when I got locked up. And I became  
2 a member -- it was in a unit, it was 6 west, center  
3 pod.

4 Q. How did you become a member or who  
5 approached you?

6 A. It was Billy Baca, a/k/a Duke. It was  
7 Natavio Garcia, a/k/a Daffy. It was Bad Boy from  
8 south side. And they got the okay from other  
9 brothers in prison, like Styx. There was like Wild  
10 Bill, them guys, they approved it. They thought I  
11 was a good soldier; they'd been hearing good things  
12 about me. And at that time I had just finished  
13 committing a series of assaults. One of them, we  
14 strangled a guy; he ended up surviving, he lived.  
15 We thought he was dead. His name was Richard  
16 Torrez, big head --

17 Q. Who was Richard Torrez?

18 A. He was supposed to be an LC, a rival  
19 prison gang member.

20 Q. LC, Los Carnales?

21 A. Yes, sir.

22 Q. And why would it be important to you to  
23 assault a rival gang member?

24 A. That's what's expected of us. That's what  
25 we must do. If you come -- it's called "on sight."



1 If you come within -- we call it air and  
2 opportunity, you have to do these things. If not,  
3 you can be disciplined accordingly, sometimes death  
4 or violation, beat up by other brothers.

5 Q. And did something happen to Angel Munoz in  
6 about 2001?

7 A. Yes, sir. He OD'd and died in the county  
8 jail in Santa Fe, in the federal holding.

9 Q. What did that do for SNM recruitment that  
10 you know of?

11 A. At that time, you had Styx stepped up,  
12 took over the car, and he started -- he formed what  
13 was called a tabla. It was him, Arturo Garcia,  
14 Michael Zamora, Robert Martinez, and Juanito Mendez.  
15 There were five members of a tabla, and they started  
16 running all SNM business.

17 Q. Now, when you came into the SNM, what  
18 types of rules did they tell you about?

19 A. First, you have to have your bones. So  
20 you have to shed blood from an enemy, which is  
21 stabbing them, strangling them, murdering, things  
22 like that. You have to never leave a brother what  
23 we call flojas; that means leave him hanging during  
24 or while there is a mission occurring.

25 Q. How might you leave a brother hanging?

1           A.     Say we're going to go do a mission, and I  
2     don't want to go; that's leaving a brother hanging.  
3     We never say no. We're always playing offense, no  
4     defense. So when it's time to go, we go. There is  
5     no questions asked.

6           Q.     What about cooperating with law  
7     enforcement?

8           A.     They'll murder you for that. There is no  
9     ratting; there is no snitching. Yeah, that's a  
10    death sentence in the SNM.

11          Q.     So what happened in 2003, in terms of  
12    being approached? Did they vote you in at that  
13    time?

14          A.     Yes, at that time -- that's one of the  
15    rules, is you had to have three members, confirmed  
16    SNM members had earned their bones, brothers at the  
17    time, no dirt on their jacket. When I say "no  
18    dirt," means that they were in good standing with  
19    the SNM; they are influential.

20                And they voted me into the SNM. And they  
21    sent word to other facilities, other prison  
22    facilities. And word came back that they had got  
23    together with other brothers in other yards, and  
24    they sat down, they had meetings with other  
25    brothers, and said, Look, this is a little carnal

1 that wants to come into the SNM; he's a good dude.  
2 These guys vouch for him. And you guys think their  
3 word is good enough.

4 Word came back that they thought I was a  
5 good candidate of being a member, and at that time I  
6 was made SNM.

7 Q. Now, why would someone like you be a good  
8 candidate to become an SNM member?

9 A. Because I was willing to kill. I was  
10 willing to do whatever the gang asked me to do. I  
11 was vicious. I was very violent.

12 So yes, in SNM, we don't recruit weak  
13 people. We don't recruit victims. We only recruit  
14 people that are willing to do the violence that's  
15 necessary to further the agenda of the SNM.

16 Q. Now, when you were in jail in 2003, about  
17 how long did you stay incarcerated?

18 A. At that time I stayed incarcerated for --  
19 I think it was a year. Then I was released back on  
20 probation, reinstated on probation.

21 Q. How long did you stay on probation?

22 A. A few months. I was sent to Delancey  
23 Street.

24 Q. What is Delancey Street?

25 A. It's a program for people that want to

1 change their life. But I didn't want to change my  
2 life. It was just an escape goat (sic) to get back  
3 out to the streets, to hook back up with other SNM  
4 members.

5 At that time, I believe there was a couple  
6 people that still needed to be killed by the SNM.  
7 Kelly Mercer, Johnny Mercer, those were things that  
8 were brought to my attention.

9 Q. Why did they need to be killed?

10 A. Because they had testified on some murders  
11 that -- some other SNM members, when they had killed  
12 Matthew Cavalier in the county jail, they'd  
13 strangled him. And they turned around and they  
14 testified and gave State evidence. And that was  
15 back, I think, in '99.

16 So I had a list of people, if I came in  
17 contact with, to murder. I had a list of brothers  
18 to get in contact with to further the -- our agenda  
19 of the SNM.

20 On one of the lists was Baby Zack. At  
21 that time, he was still a good brother. I still --  
22 I got back in contact with him. And my neighborhood  
23 is known for drugs because of -- I have connections  
24 in Juarez, Mexico. We went down to Juarez a couple  
25 of times, brought back some narcotics, distributed

1     them amongst the brothers.

2             Q.     What kind of drugs did you bring back?

3             A.     I brought back pounds of weed, and a  
4     couple of kilos of cocaine. At that time crack  
5     cocaine was still big on the streets of Albuquerque  
6     to sell.

7             Q.     And what was the purpose of bringing those  
8     drugs back?

9             A.     Was to distribute them on the streets for  
10    the SNM.

11            Q.     Did you do that?

12            A.     Yes, sir.

13            Q.     Did you say this was powder cocaine or  
14    crack cocaine?

15            A.     Powder cocaine. We cooked it up ourselves  
16    when we got it back.

17            Q.     And you said you had basically a hit list  
18    on the streets. Did you ever catch up to Kelly  
19    Mercer or Johnny Mercer?

20            A.     No. We would go down there -- their  
21    residence at that time, I thought was in Valley  
22    Gardens, in the south valley of Albuquerque. And  
23    we'd go and we would look for them. But there was  
24    never no word or they were around.

25            Q.     And then how long did you stay out for

1 this particular period?

2 A. About two months, until I got busted.

3 Q. What did you get busted for?

4 A. Probation violation. They finally caught  
5 up to me, because I was on the run from the Delancey  
6 Street program.

7 Q. Okay. So basically Delancey Street got  
8 you out of jail, but you just skipped out on that  
9 program because --

10 A. Yes.

11 Q. -- you wanted to be on the streets?

12 A. Yes, sir.

13 Q. And as a result of not complying with your  
14 conditions, they issued a warrant for your arrest?

15 A. Yes, sir.

16 Q. Okay. Let me turn your attention to --  
17 going back to Exhibit 242, this is starting with  
18 Bates stamp number 23106. In a second it will show  
19 up on your screen here, sir. And let me turn --  
20 first of all, what is this document?

21 A. In 2007?

22 Q. Yes. It's an entry at the top, "Entered  
23 January 3, 2007," but I'm going to turn it now to  
24 the next page.

25 A. Oh, that right there, that was -- I caught

1 a case where, when I went back into the county jail,  
2 I had received a huila, what we call a huila or kite  
3 from the streets. It was from one of the guys that  
4 brought me into the SNM, Duke, Billy Baca, William  
5 Baca. He said that there was a former SNM Gang  
6 member dropout; his name was Manuel Maldonado --

7 Q. Let me stop you there for a second. Let's  
8 turn to the next page of that document.

9 Okay. So Manuel Maldonado, where are you  
10 when you pick up this charge?

11 A. I'm at the MDC county jail.

12 Q. Is that the one you told us about that  
13 replaced BCDC in Albuquerque?

14 A. Yes, sir.

15 Q. Now, it shows here a charge of resisting,  
16 evading, or obstructing an officer.

17 A. Okay. How I got that charge is I received  
18 a huila -- I was in a program in the county jail  
19 for -- so I can try to get back out to the streets.  
20 I had violated. So during that, I was in that  
21 program, I received a huila from another SNM Gang  
22 member that there was hit on a former dropout gang  
23 member. His name was Manuel Maldonado, a/k/a  
24 Chaparro.

25 Q. Let me stop you there. First of all,

1 what's a huila?

2 A. A huila is -- it's a hit, or it's a letter  
3 from another brother stating business about the  
4 family, about the SNM.

5 Q. Now, were you in jail when you received  
6 that huila?

7 A. Yes, sir.

8 Q. Did the huila come from inside the jail or  
9 outside the jail?

10 A. Outside the jail.

11 Q. How was it delivered to you from outside  
12 the jail?

13 A. It was delivered through a letter. And  
14 the letter -- it was -- the way we would do it, it  
15 was tic-tac-toe. And I decoded it. And it stated  
16 that Manuel Maldonado was located in Seg 3, and he  
17 needed to be taken care of, because he was a former  
18 dropout of the SNM.

19 Q. All right. So you mentioned the term  
20 tic-tac-toe. Was this in some sort of code?

21 A. Yes, it's a writing code we would use. So  
22 that way, like the administration, they wouldn't  
23 catch on. Like the STIU, the gang unit, they  
24 couldn't catch on to our messages being sent in the  
25 mail to each other.



1 Q. At this point, Manuel Maldonado is in the  
2 same facility as you?

3 A. Yes, sir.

4 Q. Is he in the same pod or living area?

5 A. No, sir.

6 Q. How is it that you are able to gain access  
7 to him?

8 A. Well, at that time I was suspected for  
9 being an SNM Gang member, so I knew if I got in an  
10 argument with STIU, I would go to a -- you know, to  
11 the STG unit for Seg until holding, until they would  
12 do my writeup. At that time, it worked, I got into  
13 the Seg.

14 And when they were taking me in, I took  
15 the unit hostage. I assaulted a CO, took the keys  
16 from her; got in the security station and opened the  
17 doors. And we got Manuel Maldonado, me and another  
18 SNM member -- his name is Victor Silva, Sick Vic.  
19 We tried to stab him. The knife dulled and bent on  
20 us, but we severely beat him pretty bad. The knife,  
21 I think we got him a couple of times.

22 Q. Now, the jury's heard a name of a person  
23 named Sick Vic. Is this Sick Vic an SNM member or  
24 is Sick Vic an LC member?

25 A. No, Sick Vic, SNM member. Victor Silva,

1 he was from Las Vegas, New Mexico, but he was living  
2 in Albuquerque, New Mexico at the time.

3 Q. So this is a different Sick Vic?

4 A. Yes, sir.

5 Q. And Chaparro was a dropout?

6 A. Yes. He was someone we had been trying to  
7 kill for a long time.

8 Q. Did he survive the assault?

9 A. Yes.

10 Q. And here you're telling us about an  
11 assault, but it looks like the conviction was only  
12 for resisting, evading, or obstructing an officer.

13 A. Well, he refused to press charges on us.  
14 He didn't want to press charges. After he came  
15 out -- I think he was in a coma for a little bit.  
16 He came out and refused to press charges. He didn't  
17 want to testify against the SNM. So they couldn't  
18 get him to testify against me or the other SNM  
19 member that did that to him. So they charged me for  
20 battery on a peace officer.

21 So what I did is, the officer had made a  
22 mistake by allowing me onto the floor with no  
23 restraints and she had violated protocol. So we  
24 started -- with my lawyer, we started attacking them  
25 on that protocol. And so the case started falling

1 apart a little bit.

2 And it was like a lot of us know, we know  
3 how to manipulate the system, we know how to work  
4 the law in a lot of ways. And it worked. They  
5 landed up offering me a plea bargain for evading and  
6 obstructing a police officer and I took the  
7 misdemeanor, and I was done with the case.

8 Q. So after all this conduct, you basically  
9 ended up with a misdemeanor?

10 A. That was it.

11 Q. And did you use the rules of the jail  
12 against them to get out of your felony charges and  
13 into a misdemeanor charge?

14 A. Yes, I have, just like I've used them a  
15 lot of times.

16 Q. And so are there times when you and other  
17 SNM members use the rules of the prison against the  
18 administration?

19 A. That's what we do. That's what we do.

20 Q. Let me turn your attention to page 23111  
21 of that same exhibit. Okay. So the result here, we  
22 have the resisting, evading, and obstructing an  
23 officer. And you told us that was a misdemeanor; is  
24 that correct?

25 A. Yeah, that's another one, yes.

1 Q. Okay. Let me now turn your attention to  
2 page 23113 of that exhibit. Actually, let me turn  
3 to the following page. Okay, I'm going to circle  
4 here two charges, "aggravated battery," and it says  
5 "HHM," and in parentheses "GBH." Do you know what  
6 the full name of that charge is?

7 A. Yes, it's aggravated battery with great  
8 bodily harm.

9 Q. And does the HHM stand for against a  
10 household member?

11 A. Household member.

12 Q. So in simple terms, is it basically a  
13 crime of domestic violence?

14 A. Yes, sir.

15 Q. And the next charge indicates possession  
16 of a controlled substance, heroin?

17 A. Yes, sir.

18 Q. Do you remember what year this was?

19 A. That was in 2010 and 2011.

20 Q. I'm circling here "Date of offense  
21 November 7, 2010," for the domestic violence charge?

22 A. Yes, sir.

23 Q. February 27 of 2011 for the heroin charge?

24 A. Yes, sir.

25 Q. Let's start with the domestic violence

1 charge. First of all, was that a felony level  
2 offense?

3 A. Yes, sir.

4 Q. Who was the person that you assaulted  
5 there?

6 A. It was my wife. My ex-wife.

7 Q. All right. Why did you assault her?

8 A. Well, because she had broke the rules in  
9 the family, and they thought she was causing  
10 problems because she had started talking to another  
11 SNM member, and we've had these problems in the  
12 past.

13 Q. When you say they thought it was a  
14 problem, who was "they"?

15 A. The SNM members. Arturo Garcia, Anthony  
16 Baca, Styx. And before this happened with Styx and  
17 Julian, SNM members, and it caused a big problem  
18 within the family; brothers got murdered over it,  
19 brothers got stabbed over it, beat up over it. So  
20 they felt it needed to be taken care of before it  
21 got any further.

22 So as soon as I got out on parole, I --

23 Q. You hurt her?

24 A. Yes. Bad.

25 Q. And did you hurt her because it was

1 expected of you as an SNM member?

2 A. Yes, sir.

3 Q. And was this to avoid further dissention  
4 within the gang?

5 A. Yes, sir.

6 Q. So you wouldn't have another Styx and  
7 Julian situation?

8 A. Yes, sir.

9 Q. Did she eventually recover from her  
10 injuries?

11 A. In time, yes. In time, yes.

12 Q. Now, how did you end up with a possession  
13 of heroin charge in the same charge -- or the same  
14 case, I should say?

15 A. In 2011, I had pulled another SNM Gang  
16 member out to an address. We were trafficking  
17 narcotics. And that morning, two officers had came  
18 upon us at a gas station, it was a Love's gas  
19 station. And at that time I was lucky enough for --  
20 his name is Robert Shanks, Shanky, he ended up  
21 assaulting one of the officers, so they paid more  
22 attention to him than me, and I ended up getting  
23 away.

24 And at that time, they found in his  
25 possession four ounces of heroin chopped up and

1 \$2,700. And I think -- believe they found more  
2 heroin and a gun in the trunk.

3 Me, I had managed to escape with heroin on  
4 me, a gun on my waistband; it was a .45, and an  
5 amount of money. Four days later, they caught back  
6 up to me and they got me in possession of heroin and  
7 money, and they locked me up for it.

8 Q. And had you been selling those drugs?

9 A. Yes, I had been selling those drugs.

10 Q. Who did those sales benefit?

11 A. The SNM.

12 Q. At some point in time, did you -- well,  
13 did you know someone named Chris Garcia?

14 A. Yes, sir.

15 Q. Did you ever get drugs from Chris Garcia?

16 A. Yes, sir.

17 Q. Can you tell the members of the jury  
18 whether you ever sent drugs that you got from Chris  
19 Garcia into the jails or prisons?

20 A. Yes. In 2005, I would send -- I would  
21 meet another SNM member's wife halfway from  
22 Albuquerque to -- in Santa Fe. And I would send  
23 them ounces of heroin, ounces of cocaine. And one  
24 time we sent them a cellphone. That went on for a  
25 period of six months, five to six months.

1 Q. Why was it just for that period of time in  
2 2005?

3 A. Because I was only out for that period of  
4 time.

5 Q. And who did you send drugs in to?

6 A. I sent drugs in to Arturo Garcia, Dan Dan  
7 Sanchez, Enrique Roybal, and Benjamin Clark.

8 Q. Were those people SNM Gang members?

9 A. Yes, sir.

10 Q. You mentioned Dan Dan Sanchez. Do you see  
11 that person in the courtroom today?

12 A. Yes, sir.

13 Q. I see you squinting a little bit. Do you  
14 need glasses sometimes?

15 A. No, sir, I see him.

16 Q. What's he wearing?

17 A. He's right there. He's wearing glasses  
18 and a tan suit, and I don't know if it's a black or  
19 blue tie, white shirt.

20 Q. And is he one of the people you sent drugs  
21 in to?

22 A. Yes, sir.

23 Q. Why did you send him drugs?

24 A. Because that's what we do. That's what  
25 SNM does. We -- we're involved in the drug game.



1 Q. What kind of drugs did you send into the  
2 prison?

3 A. At that time, I sent him heroin.

4 Q. I think you mentioned -- did you do that  
5 because it was expected of you?

6 A. Yes.

7 Q. I'm going to fast-forward a little bit in  
8 time and ask you if you -- if you find yourself in  
9 jail pending a murder charge in 2015?

10 A. Yes, sir.

11 Q. And what eventually happened to that  
12 murder charge?

13 A. I went to trial on it, they found me  
14 guilty on manslaughter.

15 Q. And when that case was pending, where were  
16 you housed?

17 A. I was housed at the MDC county jail in  
18 Seg 3.

19 Q. In December of 2015, I want to ask you if  
20 you remember something significant at the jail in  
21 terms of an increase in the jail population?

22 A. Yes. I went to trial that morning. When  
23 I left, the normal, the regular guys were there.  
24 When I came back, it was all different. They moved  
25 everyone out and they put all SNM Gang members in

1 there. At that time they were telling me Chris  
2 Garcia was my neighbor and they were telling me that  
3 they had just rounded all of us up on a RICO Act.

4 Q. And so before you knew it, you just had a  
5 bunch of SNM members in the jail with you?

6 A. Yes, sir.

7 Q. And you don't need to tell us what was  
8 said, but was there basically talk about the charges  
9 and what was going on with the gang?

10 A. Yes, there was talk. Chris Garcia told  
11 me, Man, they blew my door in at 4:30 this morning.  
12 Carnal, they got us all.

13 So at that time little whispers would go  
14 out on the tier. And they thought it was Crazo,  
15 which is Eric Duran. And the next morning I seen  
16 them in there shackling them all, handcuffing them,  
17 taking them. So I'm looking and seeing who is all  
18 there and who is not. And I seen a couple guys. I  
19 was like, Oh, at least they didn't get them, yet  
20 anyways. So that was basically it.

21 Q. Now, when -- do you eventually hear about  
22 what some of the charges are?

23 A. It was RICO. It was for murder. It was  
24 for a lot of murders that went unsolved that we had  
25 committed. And one of it was for Marcantel, that

1 they thought we were going to -- we were trying, I  
2 know, we were trying that for a while, the SNM was  
3 trying to take out one of the STG officers or the  
4 Secretary of Corrections.

5 Q. Why was that?

6 A. Because they weren't letting us -- they  
7 were keeping us locked down because of our violence.  
8 They weren't allowing us into general population  
9 with other prison inmates because we were assaulting  
10 them, murdering them, extorting them, bulldogging  
11 them. So they would keep us secluded and keep us in  
12 our own unit.

13 SNM thought they were losing ground on the  
14 lines. They thought they were losing power. They  
15 were losing respect. And they wanted to get back to  
16 those lines very badly. But the gang unit, the  
17 intelligence unit, wasn't allowing us to, as well as  
18 the Secretary of Corrections. And --

19 Q. Let me ask you this: If you're locked  
20 down, does that make it difficult to recruit other  
21 members?

22 A. Yes, it makes it difficult for a lot of  
23 things.

24 Q. What was the nature of the SNM Gang in  
25 prison? What were you guys about?

1           A.     Our nature was -- we live by the convict  
2     code. We sold drugs, we extorted, we murdered. Our  
3     motto was this: If you want something, you take it,  
4     you demand it, you don't ask for it. Respect comes  
5     from fear, nothing else. And that's how I was  
6     taught in the SNM, is to take -- when we wanted  
7     something, and don't let nobody tell us different.  
8     And anybody that stood in our way, they were going  
9     to either get assaulted or even murdered. That was  
10    the way the SNM motto was.

11          Q.     So what kind of problems did that create  
12    when you were locked down just with each other?

13          A.     Well, within each other, you have a bunch  
14    of band of, you know, sharks. We didn't have no one  
15    else to feed on. And throughout the years, we had  
16    created some kind of problems within ourselves,  
17    because there is no loyalty. They tell you there is  
18    loyalty when you come into the SNM. This is  
19    brotherhood. We're an organization. We're going to  
20    run New Mexico. We're going to run the streets, you  
21    know, all this. We're carnals. But it's not.  
22    There is no loyalty.

23                When I was in SNM, every day I feared for  
24    my life. I knew I couldn't trust none of my own  
25    brothers. Having a normal conversation with them

1 wasn't even having a normal conversation with them.  
2 It was just constant politicking, them trying to see  
3 who you riding with? What you doing? What you down  
4 to do? And it was constant --

5 MS. JACKS: Excuse me, Your Honor. This  
6 appears to be a narrative.

7 THE COURT: Why don't you try to do a  
8 little more Q and A.

9 MR. CASTELLANO: I'll break it up with  
10 questions, Your Honor.

11 A. Sorry about that.

12 BY MR. CASTELLANO:

13 Q. That's okay, Mr. Cordova.

14 So you talked about kind of living in fear  
15 on a regular basis. Did you carry a weapon with  
16 you?

17 A. At all times.

18 Q. What kind of weapon would you carry?

19 A. I carried a shank -- I carried two. I  
20 carried one up my rectum and I carried one on my  
21 person.

22 Q. For what purpose?

23 A. For -- to put in work on other rival gang  
24 members, or to protect myself from my own SNM Gang  
25 members.

1 Q. Now, at any point in time, did carrying a  
2 shank in your rectum ever cause you medical  
3 problems?

4 A. Yes, I almost died from it. They had  
5 to -- in Southern New Mexico Correctional  
6 Facility -- had to take me, give me surgery. They  
7 had to -- I had lesions, they call lesions -- I had  
8 rips in my colon from keistering the shanks.

9 Q. And was it expected of members that they  
10 should carry weapons whenever they could?

11 A. Well, this is the SNM motto: You ain't a  
12 soldier if you don't condition yourself  
13 physically -- meaning mandatory workout routines --  
14 and you don't bear arms. So it's required of us to  
15 bear arms at all times. Because you couldn't call  
16 yourself a real soldier if you didn't have a knife  
17 on you when you're in prison or a gun on you when  
18 you're in the streets.

19 Q. Now, when you -- you talked about living  
20 in fear, and kind of looking over your shoulder.  
21 What were you thinking about the SNM in the December  
22 2015 timeframe? Where were you in terms of how you  
23 felt about the gang?

24 A. Mentally?

25 Q. Yes.

1           A.     There was times where I had regret. There  
2 was -- I remember the times I wanted to be an SNM  
3 member, I wanted to be respected just like they  
4 were. I wanted to have that loyalty, that  
5 brotherhood.

6                     But once I became an SNM member, as years  
7 went by, I started to find out there was no loyalty  
8 in the SNM.

9           Q.     How did that change your perspective? I  
10 mean, when you first joined, it probably sounded  
11 like a great idea.

12          A.     It was, it did, it sounded very great.

13          Q.     So I want to turn your attention now to  
14 going back to December 2015. Were you aware that  
15 the Javier Molina murder was one of the murders  
16 charged?

17          A.     Yes, sir.

18          Q.     When you saw people at the Metropolitan  
19 Detention Center, did you think anybody was missing,  
20 who should have been charged in that murder?

21          A.     Yes, it was Carlos Herrera.

22                     MS. JACKS: Objection. Calls for a  
23 conclusion based on hearsay.

24                     THE COURT: Why don't you lay some  
25 foundation as to how he has the information.

1 MR. CASTELLANO: I'd be happy to, Your  
2 Honor.

3 BY MR. CASTELLANO:

4 Q. Were you around when the Javier Molina  
5 took place, the murder took place?

6 A. Yes, sir.

7 Q. In which pod were you?

8 A. I was in yellow pod. The pod next to it.  
9 Blue pod is where the murder happened. I was in  
10 yellow pod.

11 Q. And was Carlos Herrera in that pod?

12 A. Yes, sir.

13 Q. I'll get into it later on, but did you  
14 know that he was involved in that murder?

15 A. Yes, sir.

16 Q. So when you went back to December of 2015,  
17 did you see him with all the other gang members?

18 A. No, sir.

19 Q. So, in your mind, was he someone who was  
20 missing, who should have been there?

21 A. Yes, sir. And I also knew, because we  
22 keep in contact --

23 MS. JACKS: Objection. No question  
24 pending.

25 THE COURT: Overruled. If you want to



1 elicit this testimony, you may.

2 BY MR. CASTELLANO:

3 Q. Please continue, sir.

4 A. All right. SNM word travels fast about  
5 how we're doing things. And at that time, Lazy was  
6 one of the real big influential members. So we knew  
7 that, hey, when you get back to the South, carnal,  
8 he'll be the one doing it, because they had moved us  
9 all from Las Cruces, New Mexico, and placed us at  
10 the Level 4 at the South in Santa Fe. So they knew  
11 that he'd be one of the ones holding down the car  
12 when I got there.

13 Q. What's the "car"?

14 A. The car is the clique, the SNM, the  
15 family.

16 Q. And same question about December of 2015.  
17 You mentioned that -- well, you said Lazy, is "Lazy"  
18 also known as Carlos Herrera?

19 A. Yes, sir.

20 Q. Do you see him in the courtroom?

21 MS. BHALLA: Your Honor, we stipulate to  
22 his identity.

23 THE COURT: Does that work for you, Mr.  
24 Castellano?

25 MR. CASTELLANO: It works just fine, Your

1 Honor. Thank you.

2 A. Yeah. I see him. He's behind you. He's  
3 in, I think, a blue, navy button-up shirt, and a  
4 blue suit.

5 BY MR. CASTELLANO:

6 Q. And when you saw the other SNM members at  
7 MDC, who else did you think was missing?

8 A. Rudy Perez.

9 MR. VILLA: Objection, lack of foundation.

10 THE COURT: Lay a foundation for this.

11 MR. CASTELLANO: Sure, Your Honor.

12 BY MR. CASTELLANO:

13 Q. Well, first of all, let me ask you: Who  
14 did you -- without saying why, who did you think was  
15 missing?

16 A. Rudy Perez.

17 MR. VILLA: Same objection, Your Honor.  
18 Move to strike.

19 THE COURT: Overruled.

20 BY MR. CASTELLANO:

21 Q. Okay. Now, let's get to why you thought  
22 Rudy Perez was missing.

23 A. Because I knew they had got the shanks  
24 from his walker used to murder Javier Molina.

25 MR. VILLA: Objection. It's based on

1 hearsay.

2 THE COURT: Why don't you lay a foundation  
3 for what he's about to say.

4 BY MR. CASTELLANO:

5 Q. Sure. Going back to the March 6 and March  
6 7 of 2014 timeframe, did anybody ask you for a  
7 shank?

8 A. Yes.

9 Q. Who was that person?

10 A. 2014?

11 Q. Yes, when the Molina murder happened.

12 A. Yes, it was Dan Dan Sanchez.

13 Q. Did he tell you why he wanted a shank?

14 A. So we can hit this fool, he said. And he  
15 was talking about Javier Molina.

16 Q. Did you give him your shank?

17 A. No.

18 Q. Tell us about that conversation, please.

19 A. At that time, he called me to the door a  
20 few seconds, Hey, carnal, do you have a spare  
21 fierro? We need to hit this fool.

22 I said, No, I don't have a spare fierro.

23 I just got mine, carnal.

24 And he said, All right. And he left from  
25 the door.

1 Q. What kind of door is this?

2 A. It's a tier separation door between the  
3 pods. They're fire exits.

4 Q. And did you later hear back from Daniel  
5 Sanchez about shanks?

6 A. About 20 minutes later he comes back to  
7 the door and he tells me, "Never mind, carnal, we  
8 got them from Fat Ass downstairs."

9 Q. Who did you know Fat Ass to be?

10 A. Excuse my language. We knew it was Rudy  
11 Perez. We used to call him -- we never called it to  
12 him to his face, but, you know, we all have little  
13 nicknames that we clown on each other behind each  
14 other's back sometimes.

15 Q. So for these reasons, then, you noticed  
16 that both Carlos Herrera and Rudy Perez were missing  
17 from the picture?

18 A. Yes, sir.

19 Q. Now, going back to December of 2015, and  
20 then January of 2016, you mentioned that you were  
21 kind of burned out with the gang.

22 A. Yes. When I came back, I got to the  
23 north, Pup had gotten shipped out of state. Dan Dan  
24 had got shipped out of the state. Archie had got  
25 shipped out of state. At those time, those are

1 influential members. Everybody, it was like back to  
2 2005, when the tabla started, everybody started  
3 fighting for power. Everybody was in their own  
4 little groups. And everybody was armed and against  
5 each other for power. They were -- they were  
6 politicking, is what we call it, in the yard: Who  
7 was going to run the car, who was going to be next  
8 on the tabla.

9 Q. How did you feel about that?

10 A. Heartbreaking.

11 Q. So in January of 2016, are you called into  
12 a room to meet with law enforcement personnel?

13 A. Yes, sir.

14 Q. Who do you meet with?

15 A. I meet with Bryan Acee; Lerner from the  
16 sheriff's department; and Mark Myers from the FBI.  
17 And there is Cupit from the STIU is in there.  
18 Gallardo is one of the STIU officers in there. And  
19 I'm pretty sure there was a couple more STIU  
20 officers in there.

21 Q. Now, did you expect to meet with anybody  
22 that day, or did you just get called into a room?

23 A. I knew eventually they were going to come  
24 and talk to me.

25 Q. Why did you think that?

1           A.     Because there was a RICO Act going on in  
2     the SNM. I knew what we were about. I knew the  
3     things we were doing, so -- and I knew what I was  
4     doing for the SNM, so I knew it was just a matter of  
5     time till they come talk to me.

6           Q.     So what went through your mind when you  
7     walked into that room?

8           A.     I had a lot of conflicting emotions inside  
9     me. I wanted to cooperate, but then I didn't want  
10    to cooperate. I felt about the shame on my  
11    reputation, how my family would look at me, how my  
12    friends, everybody in that lifestyle would look at  
13    me. But then there was another side of me where I  
14    just no longer wanted to be an SNM member no more.

15          Q.     So you were, when you walked in, you were  
16    Billy Cordova, SNM soldier?

17          A.     Yes, sir.

18          Q.     And were you -- how did you feel about  
19    giving up that identity?

20          A.     It was a hard decision. It was hard. But  
21    it was easy in the way that I had so much pressure  
22    on me, I was tired of living the way I was. I just,  
23    I wanted out. I wanted out.

24          Q.     You knew there were other ways out, like  
25    the RPP Program, and things of that, right? Things

1 of that nature.

2 A. Yeah, but that's not really out.

3 Q. Why do you say that?

4 A. Because you walk away, but you don't walk  
5 away. It's -- how can I say it? You go to the RPP,  
6 right, and once you walk away, you're considered a  
7 dropout. They look at you as any other way. But  
8 there is no opportunity there. Once you go there,  
9 you're going to still get back out to the streets of  
10 Albuquerque, you're going to still have to be faced  
11 with the same things, probation and parole still  
12 kind of look at you the same way. So to me, that  
13 kind of really wasn't an option.

14 Q. What about to PC, or go into protective  
15 custody?

16 A. No, I didn't want to. I wasn't -- I  
17 didn't want to do that either.

18 Q. So did this suddenly seem to be the best  
19 option to you?

20 A. It seemed like the best option to me.

21 Q. So what -- tell us about that interaction  
22 in the room. Did they tell you they were looking at  
23 you?

24 A. Yes, sir.

25 Q. What did you think about that?

1           A.     Well, like I said, I just -- it was more  
2     about me just -- I wanted to get everything off my  
3     chest and just walk away. Because I knew the crimes  
4     I've done for SNM would come back to haunt me in  
5     later years. That's why I say RPP really wasn't a  
6     walking away tactic. And the FBI was there. I knew  
7     one day these things were going to come back and get  
8     me.

9           Q.     About how long do you remember that first  
10    meeting being?

11          A.     About four hours.

12          Q.     And when you agreed to cooperate, did the  
13    FBI and the U.S. Attorney's Office agree to get you  
14    an attorney?

15          A.     Yes, sir.

16          Q.     And once you got that attorney, then did  
17    you tell us about other things that you had done in  
18    your past?

19          A.     Yes, sir.

20          Q.     Was that under what's called the  
21    protection of a Kastigar letter?

22          A.     Yes, sir.

23          Q.     When you were on the streets, I want to  
24    ask you about an LC member who was given a hotshot.

25          A.     Yes, sir.



1 Q. Tell us about that, please.

2 A. Yes, sir. This is around right when I got  
3 out of prison, out of Santa Fe South. I had gotten  
4 a call on my cellphone from Chris Garcia, another  
5 SNM Gang member. He tells me, There is a carnal you  
6 need to rap to, ay.

7 Q. What did that mean to you? Go talk to  
8 him?

9 A. And when they say "rap to," they say you  
10 need to see him, it's business. So I said, All  
11 right, carnal, where's he at?

12 And he said, Washa, he's going to call  
13 you.

14 So he calls me up. I go and meet him  
15 right there on Lafayette, between Aztec and  
16 Comanche. And he tells me, carnal, check it out.  
17 There is a sha sha, shaballa, that's a code word for  
18 LCer, a rival prison gang member, running around  
19 right here, carnal. And this is -- we need to take  
20 care of this. It's making us look bad.

21 And I said, All right, carnal, what's up?  
22 Where's he at?

23 Right now, he's trying to score some  
24 drogas.

25 Q. Why was he making you look bad?

1           A.     Because he's a rival prison gang member,  
2     and he's running around on our turf. That's not  
3     acceptable.

4           Q.     He's running around doing what?

5           A.     He's running around and kind of pushing  
6     his weight around with other drug dealers that we  
7     already had in our pocket. And he was making us  
8     look bad, so we needed to take care of him.

9           Q.     Who is "we"?

10          A.     Me and Anatacio -- no, it's Amador,  
11     Anatacio Amador, Boxer.

12          Q.     Okay. What did you guys do?

13          A.     He told me, Hey, carnal, this vato is over  
14     there right now trying to get some drogas from the  
15     little carnal's brother.

16                 The carnal's name at that time, I believe,  
17     was either Smoky or Spooky, he was a carnal.

18          Q.     What year is this?

19          A.     This is 2005. And I said, He's trying to  
20     get some drogas.

21                 He's all, What do you think, carnal? I  
22     think we should smoke this fool, give him a hotshot.  
23     I told him, man, it's better for us to -- at that  
24     time I had a painting company. I had my own  
25     business. I was selling a lot of drugs, I was real

1 successful at that time on the streets with the SNM.

2 I told him, I think it's better we just  
3 handle it clean, and get it done cleaner than  
4 messier. Because if we do it messy, it's going to  
5 mess up a lot of good things we got going for us  
6 right now.

7 Q. What do you mean by "clean" versus  
8 "messy"?

9 A. Clean is like a hotshot, maybe strangle  
10 him, make it look like he hung himself, a suicide.  
11 That way law enforcement won't be looking for a  
12 murder. They wouldn't be looking for someone who  
13 shot him or stabbed him.

14 So he says, All right, carnal; he's like  
15 you got some clavo, I got some chiva. He's all, I  
16 got some -- I had heroin on me at that time.

17 Q. What is chiva?

18 A. Chiva is heroin. It's, you know, a street  
19 slang word.

20 And he says, I got something I can put in  
21 it. We can take care of it that way.

22 I said, All right. So I handed him some  
23 heroin. He went into --

24 Q. Who handed who the heroin?

25 A. Boxer, Anatacio Amador.

1 Q. Where did you guys go with the heroin?

2 A. Well, he went into the apartment. We knew  
3 some strippers from TDs; went into the apartment,  
4 and he mixed up a hotshot, came out. And he had  
5 ballooned up two separate heroin packages, one that  
6 had the hotshot, and one that was for the person  
7 that was going to give him the hotshot for us, we  
8 were paying him, more or less paying him to keep his  
9 mouth shut.

10 Q. You're paying who? Is this a third person  
11 now?

12 A. Yes, this is -- that's the other SNM  
13 member's little brother. And at that time, I had a  
14 1995 sedan DeVille Cadillac, a white one with tinted  
15 windows. And we drove up to the house. We rolled  
16 down the window just a little bit, called the dude,  
17 said, Hey, we're out here.

18 So when he came out to the car, he went  
19 around to Boxer's side. Boxer said, Look, the black  
20 balloon is for you, Little Homie, all right? The  
21 red one is for that vato. Don't break into that one  
22 because it's bad, it's a hotshot. So make sure the  
23 vato gets it. Call us when the vato drops, and  
24 we'll take care of the rest.

25 Q. So did you give the drugs to this -- how

1 old is the kid?

2 A. The kid is probably about 19, 18.

3 Q. You send him back into the house with the  
4 drugs?

5 A. Yes.

6 Q. What happens?

7 A. Well, we leave, okay? At that time, my  
8 baby's mom -- we had the car seats in the Cadillac;  
9 she always used the Cadillac to do everything with  
10 my daughter, so she takes off in the Cadillac.

11 And he calls us back up and he says, Hey,  
12 this Vato has dropped. He's been in the bathroom  
13 already for a good minute and he hasn't answered. I  
14 think he's out.

15 Q. Is this the person you sent into the house  
16 with the bad drugs?

17 A. Yes. So, at that time, I had a few cars  
18 at that time on the streets. At that time we got  
19 into a separate car. I had a 1984 Regal, it was a  
20 lowrider. And we got into it, and I told him, Let's  
21 go. So we drove around to the back of the apartment  
22 complex, the back window, we went into the house,  
23 and we had to push our way into the bathroom.

24 Q. Why?

25 A. Because his legs were in the way of the

1 door, it was stopping the door from opening. We had  
2 to push our way into the bathroom. As soon as I got  
3 in the bathroom, it stunk, stunk bad. I don't know  
4 if the guy -- I think he defecated, like used the  
5 restroom on himself, whatever, so we got a sheet.  
6 We wrapped up the body in a sheet, and we took it  
7 out through the back window. I parked my car with  
8 the trunk right next to the back window so no one  
9 would see us, what we were doing; put him into the  
10 trunk.

11 And we were driving off, Boxer tells me,  
12 carnal, we're in a lowrider, we've got a dead body  
13 in the trunk; we look like gang members. We need to  
14 dump this body fast.

15 Q. That kind of vehicle is going to get  
16 someone's attention; is that correct?

17 A. Yes.

18 Q. What do you guys do with the body?

19 A. So we go around the corner. There was a  
20 church. And we dumped the body right there at the  
21 church.

22 Q. And did anything ever come of that? Did  
23 you ever hear anything about it after that?

24 A. No. I just know they had picked up the  
25 body, and that was it.

1 Q. Did you -- and is this something you did  
2 for the SNM?

3 A. Yes.

4 Q. Why?

5 A. Because that's what was expected of us.

6 Q. I want to ask you about someone named  
7 Sammy Chavez.

8 A. Yes.

9 Q. And are you aware of him getting killed?

10 A. Yes, sir.

11 Q. What do you know about that?

12 A. Right. I was out on parole, it was in  
13 2008. And at that time, I didn't know Sergio  
14 Rodriguez was a carnal. I knew him, he's a real  
15 good friend of mine from the neighborhood. And our  
16 gangs, our street gangs would kick it together, and  
17 I did juvenile time with him. So --

18 Q. This is Sergio Rodriguez?

19 A. Sergio Rodriguez. So we met up at the  
20 P.O.'s office, and I see him there. He tells me,  
21 hey, carnal, I need to rap to you.

22 I'm tripping out because he's calling me  
23 carnal. No one calls each other carnal unless  
24 they're a member of the SNM.

25 Q. What's the P.O.'s office?

1           A.     The P.O.'s office is located on Gold  
2 Street and Broadway.

3           Q.     Is that for probation and parole officers?

4           A.     Yes, sir. It's ISP, Intensive  
5 Supervision.

6           Q.     So you run into him over there?

7           A.     Yes.

8           Q.     Did you know he was a brother at that  
9 time?

10          A.     No, not until after he told me.

11          Q.     And so what's this conversation you have?

12          A.     So later on, we meet up. We meet up right  
13 there at 7-Eleven on Carlisle and Candelaria. And I  
14 follow him to his sister's house up the street. And  
15 we get down, we start talking. He's like, Hey, I'm  
16 a carnal.

17                 I told him, I kind of figured, Homes, you  
18 were dressing that way. So what's up?

19                 And he tells me, Well, Arturo Garcia, Juan  
20 Mendez, and these vatos, they brought me in, carnal,  
21 and they want me to take care of some stuff for  
22 them.

23                 And I told him, Well, what's up?

24                 And he tells me, This vato, Sammy Chavez,  
25 needs to go.



1 Q. He is saying this vato, Sammy Chavez,  
2 needs to go?

3 A. Yes, This vato, Sammy Chavez, needs to go.

4 Q. What did you take that to mean?

5 A. It means he has to die.

6 Q. And what was the problem with Sammy  
7 Chavez?

8 A. Sammy Chavez, there was an issue back in  
9 the day with him and Hobbs, where he was supposed to  
10 move on another SNM Gang member. And it was  
11 unsuccessful. And at that time politics had  
12 changed. So Sammy had found himself kind of on the  
13 bad side of the politics. And Arturo Garcia had  
14 went up in the yard, at the North, and spoke for  
15 him, and said, Look, you guys ain't going to touch  
16 this vato.

17 And in return, he told Sammy, Just look  
18 out for me, ese, make sure I'm good when you get  
19 out. So when he got out to the streets, he started  
20 sending Arturo Garcia narcotics.

21 Q. So is this Sammy Chavez?

22 A. Yes.

23 Q. So Sammy Chavez is back on the streets.  
24 And where is Arturo Garcia?

25 A. He's in the Santa Fe prison at the Level

1 6, at PNM North.

2 Q. At this point, Arturo Garcia expects Sammy  
3 Chavez to send him drugs?

4 A. Yes. And he sent him a couple of times.  
5 But then he stopped sending him. Arturo Garcia felt  
6 disrespected because he put up his name for him and  
7 stopped other carnals from killing him. So at that  
8 time he's outraged, and he tells Sergio Rodriguez,  
9 You're a carnal now, you need to go out there and  
10 earn your bones, put in work and kill this vato.

11 Q. Did you advise Sergio Rodriguez in any way  
12 about how this should be done?

13 A. Yes. I told him, All right, carnal, if  
14 you're going to do it, try to give him a hotshot.

15 And he says, Nah, they don't want no  
16 hotshot. They want him done, they want him done  
17 good, to set an example.

18 I said, Okay, if I was to do it, make sure  
19 you take the gun apart, you wipe everything down.  
20 Because the smallest fingerprint left on the barrel  
21 or inside the slide could lead to that person that  
22 gave you the gun, and then that person can tell on  
23 you and get you convicted. So wipe the gun down.  
24 Make sure you mask up. Don't let -- in other words,  
25 you know, cover your face, have gloves on, make sure

1 you wear a long-sleeved -- either a sweater or a  
2 long-sleeved shirt. That way no GSR, gun residue,  
3 gets on you when the gun is fired.

4 Q. What does that mean?

5 A. GSR is gun residue. And I was just  
6 telling him to make sure he was covered up real good  
7 so none of it would get on him when he shoots him.

8 And I told him, Don't be clipping him.  
9 Shoot him till the gun is empty, and get up and walk  
10 away. And make sure you use a car that can't be  
11 linked back to you, or linked to anybody. Drive the  
12 car, don't burn it, because it causes too much  
13 attention. Just take it to a car wash, and make  
14 sure the quarter that you use is wiped down also.  
15 That way there is no skin cells for DNA. There is  
16 no fingerprints or nothing on the coin.

17 And you spray the inside of a car down  
18 with soap and water, and the outside, and that will  
19 kill all evidence, any kind of --

20 MS. JACKS: Objection, Your Honor. This  
21 again appears to be a narrative.

22 THE COURT: Why don't you do some Q and A.

23 MR. CASTELLANO: Sure, Your Honor.

24 BY MR. CASTELLANO:

25 Q. So why use soap and water and spray out

1 the inside of the car?

2 A. Because what it will do, it won't cause no  
3 attention, for one. I mean, you don't have a  
4 burning car, and people ain't gonna -- they're just  
5 going to think you're washing down a vehicle. And I  
6 told him, after that, you have another vehicle  
7 parked down the street, close to the car wash, and  
8 you walk down, you get in the vehicle.

9 Q. Why would you do that?

10 A. Because it's a better way for you to get  
11 away. It's less heat to you, you know. And to  
12 spray it down, you're getting rid of all the  
13 evidence without having to burn the car, or do  
14 anything fantastic, you know.

15 Q. What eventually happened?

16 A. What eventually happened is Sammy Chavez  
17 got murdered.

18 Q. Now, other than giving advice to Sergio  
19 Rodriguez, did you participate in that shooting?

20 A. No.

21 Q. And do you know whether Sammy Chavez was  
22 killed by shooting?

23 A. Yes.

24 Q. Where was he killed?

25 A. He was killed in Martineztown, where he

1 was found in a park.

2 Q. And why was this done?

3 A. They said that it was done because of  
4 Arturo's situation, Arturo Garcia.

5 Q. And Arturo Garcia was an SNM Gang member?

6 A. Yes, sir.

7 Q. Going back now to January of 2016. You're  
8 at the point where you've agreed to cooperate with  
9 law enforcement?

10 A. Yes, sir.

11 Q. And you've told the members of the jury  
12 that you believed that two people weren't arrested  
13 who should have been?

14 A. Yes, sir.

15 Q. As a result of that belief, did you agree  
16 to record these two people in jail?

17 A. Yes, sir.

18 Q. And who did you record first?

19 A. I recorded Rudy Perez first. It was over  
20 at the PNM North. It was in Q pod. I was in cell  
21 2, he was in cell 1.

22 Q. Let me you ask a question about that. So  
23 you were already in jail for the manslaughter case?

24 A. Yes, sir.

25 Q. And so at that point they transported you

1 up to the North facility?

2 A. Yes, sir.

3 Q. And put you next to Rudy Perez?

4 A. Yes, sir.

5 Q. I'm looking for defense exhibit, I think  
6 it might be V24. Yes, Defense Exhibit V24, if we  
7 can see that, please.

8 While we're waiting for that to come up,  
9 Mr. Cordova, about how soon after you met with the  
10 FBI were you placed next to Mr. Perez to record him?

11 A. I'd say that same day.

12 Q. And so when you first met with him in  
13 January, when were you recording Mr. Perez?

14 A. I was recording him from I think sometime  
15 in February, for a few weeks after that.

16 Q. At this time let me show you V24. Okay.  
17 So looking at V24, do you see at the top where it  
18 says Rudy Lee Perez?

19 A. Yes, sir.

20 Q. And do you know that this is an offender  
21 location history chart?

22 A. Yes, sir.

23 Q. And what pod was it you said you were in?

24 A. 3A Q pod.

25 Q. Okay. I've underlined -- okay. Do you

1 see in the time period of October 20th, 2015, to  
2 April 18 of 2016, and it says here 3A, N3A Q101S?

3 A. Yes.

4 Q. What facility is that?

5 A. That's the North.

6 Q. And what is Q101?

7 A. That's the pod and cell he's in.

8 Q. And what cell were you in?

9 A. I was in the cell directly next to him, in  
10 cell 2.

11 Q. So is Rudy Perez in 101 and you're in 102?

12 A. Yes, sir.

13 THE COURT: Mr. Castellano, would this be  
14 a good time for us to take at least our first  
15 morning break?

16 MR. CASTELLANO: Yes, Your Honor.

17 THE COURT: All right. We'll be in recess  
18 for about 15 minutes. All rise.

19 (The jury left the courtroom.)

20 THE COURT: All right. We'll be in recess  
21 for about 15 minutes.

22 (The Court stood in recess.)

23 THE COURT: All right. Let's go on the  
24 record while Ms. Standridge is bringing in the jury.  
25 I want to talk to you a second about your

1 subpoenaing and -- a lot of witnesses. You know,  
2 the marshal has a limited amount of manpower. So if  
3 you're bringing witnesses in to talk to them, we may  
4 have to do a little bit of triage so that we make  
5 sure we got the witnesses here that are ready to  
6 testify.

7           And then those witnesses that you're  
8 wanting to talk to, if we don't have enough manpower  
9 to get them here, we may need to figure out  
10 something to do off-site. So all I'd encourage you  
11 to do, I'm not going to do any more than this: Talk  
12 to the marshals, tell them who you want to be here  
13 for calling witnesses. Seems to me that ought to be  
14 first.

15           If you've got people that you want to talk  
16 to you, you've got to go on down, you may have to  
17 figure out some other way to talk to them. But  
18 they've only got a limited amount of manpower. You  
19 don't want to run out of witnesses, so make sure  
20 that that's kind of the priority.

21           So work with them, tell them what you're  
22 doing. You don't have to tell me, you don't have to  
23 tell the Government. But tell them what you're  
24 doing so you make sure that you have the witnesses  
25 that are going to testify here and on time and ready



1 to go. And then those that you may be just wanting  
2 to talk to, to decide whether to call, maybe those  
3 people could go further down the list, so that if  
4 you had to you, could talk to them off-site.

5 All right. Ms. Bhalla?

6 MS. BHALLA: Yes, just briefly, Your  
7 Honor. Before we get into playing the recordings,  
8 we have an objection. Defendant Herrera has an  
9 objection to Exhibit 195. They're not about to get  
10 into that now, but I wanted to try to raise it to  
11 the Court's attention so that we can have it  
12 resolved before it gets played, so we're not going  
13 in and out like we were yesterday.

14 THE COURT: What is your objection on 195?

15 MS. BHALLA: It's a transcript, Your  
16 Honor, of a conversation regarding the Julian Romero  
17 hit. My client has never been charged with that.  
18 It hasn't been disclosed as a bad act and at this  
19 point we think it's more prejudicial than probative  
20 and misleading.

21 THE COURT: Are you objecting to the whole  
22 transcript or just a portion of it?

23 MS. BHALLA: You know, Your Honor, I think  
24 the whole thing deals with that. We certainly agree  
25 to striking the portions that deal -- doing it that

1 way, just the portions that deal with Mr. Romero.

2 But my recollection is that the whole transcript's  
3 about Julian Romero. But --

4 THE COURT: Give me the lines that you're  
5 most focused on.

6 MS. BHALLA: May I approach?

7 THE COURT: Sure.

8 MR. CASTELLANO: Do you have the Bates  
9 numbers?

10 MS. BHALLA: It's -- sorry. It's  
11 Government's Exhibit 195. And it begins with Bates  
12 No. 20860, and goes through 20873.

13 THE COURT: Why don't you maybe make a  
14 copy of what you have and give it to Ms. Standridge.

15 The jury is already lined up here.

16 MS. BHALLA: Yes, Your Honor.

17 THE COURT: Why don't you just make a copy  
18 and give it to Ms. Standridge and I'll take a look  
19 at it.

20 MS. BHALLA: Yes, Your Honor.

21 THE COURT: All rise.

22 MR. CASTELLANO: And I'll have arguments  
23 about that later, Your Honor.

24 (The jury entered the courtroom.)

25 THE COURT: All right. Everyone be

1 seated.

2 All right. Mr. Cordova, I'll remind you  
3 that you're still under oath.

4 Mr. Castellano, if you wish to continue  
5 your direct examination, you may do so at this time.

6 MR. CASTELLANO: Yes, sir. Thank you.

7 At this time, Your Honor, I'd like to  
8 move, without objection, the admission of  
9 Government's Exhibits 768, 769, and 770. These are  
10 each physical location histories.

11 THE COURT: All right. Anybody have any  
12 objection? Not seeing or hearing any, Government's  
13 Exhibits 768, 769, and 770 will be admitted into  
14 evidence.

15 (Government Exhibits 768, 769 and 770  
16 admitted.)

17 MR. VILLA: Could we just get which one --

18 MR. CASTELLANO: Sure. Your Honor, for  
19 the record, Exhibit 768 is the physical location  
20 history for Rudy Perez. 769 is the physical  
21 location history for Carlos Herrera. And 770 is the  
22 location history for Billy Cordova.

23 MR. VILLA: Thank you.

24 BY MR. CASTELLANO:

25 Q. Okay. Mr. Cordova, I didn't want to mark

1 on the defense exhibit, so I'm going to show you  
2 these, so it's easier to see them.

3 On the left-hand side is Exhibit 770.  
4 That's your location history. And the right-hand  
5 side, I'm going to put up Rudy Perez' location  
6 history.

7 I'm going to show you, there are  
8 highlights on these exhibits. On the left-hand  
9 side, the lower portion highlighted shows your  
10 location in Q pod from January 21, 2016, through  
11 February 9, 2016.

12 Do you see that, sir?

13 A. Yes, sir.

14 Q. And then that is in Q102. Do you see  
15 that?

16 A. Yes, sir.

17 Q. And is Q, Q pod?

18 A. Yes, sir.

19 Q. And is the N3A, is that housing unit 3A?

20 A. Yes, sir.

21 Q. Now, on the right-hand side for Rudy  
22 Perez -- I'm putting a little dot by the location  
23 history -- from 10/20 of '15 through 4/18 of '16,  
24 and it has N3A Q101S. Do you see that?

25 A. Yes, sir.

1 Q. Okay. So you were saying earlier that  
2 Rudy Perez was in Q101 or cell 101 in Q pod?

3 A. Yes, sir.

4 Q. And you were in 102?

5 A. Yes, sir.

6 Q. And is it during this timeframe, January  
7 21 through February 9, 2016, that you were housed  
8 next to Rudy Perez for the purpose of recording him?

9 A. Yes, sir.

10 Q. Now, when you were -- were you provided  
11 some sort of recording device to capture your  
12 conversations with Mr. Perez? Were you provided a  
13 recording device?

14 A. Yes, sir.

15 Q. Now, without describing that device for  
16 us, can you tell the members of the jury whether it  
17 had an on and off switch?

18 A. Yes, sir.

19 Q. Did it have any other buttons for  
20 rewinding or deleting information, anything like  
21 that?

22 A. No, sir, just an on and off switch. That  
23 was it.

24 Q. And who did you talk to about recording  
25 Mr. Perez? What discussions did you have with which

1 agents?

2 A. Which agents did I have --

3 Q. Yes. For example, did you talk to Agent  
4 Acee about this?

5 A. Yes, sir.

6 Q. And when you were provided with that  
7 device, what sort of instructions were you given?

8 A. That it was just an on and off switch.

9 Q. What were you supposed to be capturing?

10 A. Talking about the Molina hit.

11 Q. And what issues, if any, were there with  
12 battery power or battery life for that device?

13 A. It had AAA batteries. So I was  
14 concerned -- I know I needed to only record things  
15 when things needed to be recorded. Because, if not,  
16 I couldn't replace the batteries.

17 Q. And what was the problem with replacing  
18 batteries? Where were you?

19 A. I was in prison. But you can order them  
20 from canteen, but it takes a week to get to you. So  
21 it's -- I was real concerned about making sure the  
22 batteries were good.

23 Q. Did Agent Acee or someone else also  
24 express to you that you should be careful with  
25 capturing the relevant portions because you might

1 run out of battery life?

2 A. I don't recall.

3 Q. Before trial, have you listened to each of  
4 these recordings?

5 A. Yes, sir.

6 Q. And are they -- do they fairly and  
7 accurately reflect the conversations as you recorded  
8 them?

9 A. Yes, sir.

10 Q. And have you also reviewed the transcripts  
11 of the recordings?

12 A. Yes, sir.

13 Q. And for the most part, are they accurate?

14 A. Yes, sir.

15 Q. Have you noticed a few inaccuracies here  
16 and there?

17 A. No, sir.

18 Q. Okay.

19 MR. CASTELLANO: Your Honor, at this time,  
20 I'd move the admission of Government's Exhibit 176.

21 THE COURT: Any further discussion on 176?

22 MR. VILLA: Nothing further.

23 THE COURT: Not hearing anything further,  
24 Government's Exhibit 176 will be admitted into  
25 evidence.

1 (Government Exhibit 176 admitted.)

2 MS. JACKS: And, Your Honor, we would  
3 request limiting instructions.

4 THE COURT: All right. This is going to  
5 be a conversation with Mr. Perez, and so you can  
6 only consider this tape in evidence in your  
7 deliberations against Mr. Perez and not as to any  
8 other defendants.

9 BY MR. CASTELLANO:

10 Q. Mr. Cordova, there is going to be on your  
11 left a screen which will have the transcript and  
12 then you will also hear the recording over the  
13 system?

14 A. All right.

15 Q. At this time, I'm going to begin  
16 playing -- before I begin playing Exhibit 176 for  
17 you, do some of these conversations start and stop  
18 mid sentence?

19 A. Yes, sir.

20 Q. Why is that?

21 A. Because when I felt there was something  
22 that needed to be recorded, I would turn it on. And  
23 then when I felt like there wasn't nothing that  
24 needed to be recorded, I would turn it off. Because  
25 of the batteries, I didn't -- I didn't want the



1 batteries to go dead on me and then not have -- you  
2 know, have it when I needed it, when something good  
3 came out.

4 Q. And as far as you knew, who at the prison  
5 knew that you had a recording device?

6 A. As far as I knew, just STIU. I don't --

7 Q. What types of problems could that have  
8 created for you in having a recording device in the  
9 prison?

10 A. What kind of problems? A lot.

11 Q. Like what kind?

12 A. Like are you saying from the inmates?

13 Q. Let's start with the inmates.

14 A. Be stabbed and murdered.

15 Q. And what about even from the correctional  
16 staff, possibly?

17 A. Probably go tell on me, or -- you know,  
18 those are chances I didn't want to take, you know,  
19 someone make a comment that I had a recording  
20 device. That's something you don't want to be  
21 talking about in prison, especially not in a  
22 facility like the North, Level 6.

23 Q. Level 6. Is that the maximum security  
24 facility in Santa Fe?

25 A. Yes, sir.

1 Q. Okay. I'm going to start playing the  
2 recording. And we'll stop it from time to time to  
3 ask you some questions. Okay?

4 A. Yes, sir.

5 Q. Before it starts, there is a reference to  
6 someone giving Mr. Perez squina. What is squina?

7 A. Help, just helping him.

8 Q. And then is this a transcript of you and  
9 Rudy Perez?

10 A. Yes, sir.

11 Q. And are you identified as CHS, or  
12 Confidential Human Source, in this exhibit?

13 A. Yes, sir.

14 Q. Okay. Let's begin.

15 (Tape played.)

16 Q. Okay. You seem to be referencing a  
17 previous conversation. Is that accurate to say?

18 A. Yes, sir.

19 Q. And you mention -- or actually Mr. Perez  
20 says, "The Molina talk down there, it's between us,  
21 nah." Do you see that?

22 A. Yes, sir.

23 Q. Had you already spoken with Mr. Perez  
24 before these recordings started?

25 A. Yes, sir. There was discussions in the

1 yard about what was going on with the Molina murder.

2 Q. So did you believe that because you were  
3 in the pod next to him and you were an SNM member,  
4 that Mr. Perez may speak to you about what happened  
5 with the Molina murder?

6 A. Yes, sir.

7 Q. And when you first got there, did you have  
8 the recording device or did you have a little bit of  
9 time before you started recording?

10 A. I had a little bit of time. I think it  
11 was a week, a week or so. STIU pulled me out and  
12 went and acted like they were searching my cell, and  
13 left the recording device underneath my pillow.

14 Q. So during that time, then, had you had  
15 prior conversations with Mr. Perez?

16 A. Yes, sir.

17 Q. And had you already discussed the Molina  
18 homicide with him?

19 A. Yes, sir.

20 Q. And when he says "the Molina talk down  
21 there," is that referring to your discussions about  
22 Javier Molina?

23 A. Yes, sir.

24 Q. Let's continue, please.

25 (Tape played.)

1 Q. What are you talking about when you're  
2 talking about family business?

3 A. Well, he's saying that there was other  
4 individuals in the yard like throwing family  
5 business out there where people, other inmates that  
6 ain't part of SNM -- that's one thing about SNM,  
7 we're very secretive. And you're not allowed to  
8 talk outside the family about what goes on within  
9 the family. Don't matter if it's beefs,  
10 disagreements, anything. Anything that has to do  
11 with SNM stays within the family. You could be  
12 violated or you could be murdered for talking  
13 outside the family, what goes on with SNM business.

14 Q. When Mr. Perez says "business out there  
15 with everyone, you know, you don't do that."

16 A. Yeah, you don't.

17 Q. And did you know Mr. Perez to be an SNM  
18 member?

19 A. Yes, sir.

20 Q. Let's continue.

21 (Tape played.)

22 Q. You referenced somebody named Jess up  
23 above. Do you know who that was?

24 A. Jesse Sosa.

25 Q. And who is Jesse Sosa?

1           A.     Jesse Sosa is the person who Javier Molina  
2 was accused of ratting on.

3           Q.     And can you tell us whether Jesse Sosa was  
4 an SNM member or was he somebody else?

5           A.     No, he wasn't an SNM member.

6           Q.     And had Jesse Sosa been to prison?

7           A.     Yes, sir.

8           Q.     Do you know what he was in prison for?

9           A.     I don't know. I know he was real tight  
10 with some of the SNM members.

11          Q.     And so I don't have to stop the recording,  
12 it's going to talk about fierros coming from the  
13 walker. Do you remember asking Mr. Perez about  
14 that?

15          A.     Yes, sir.

16          Q.     What are fierros?

17          A.     Fierros are homemade prison shanks.

18          Q.     And whose walker will you be asking about?

19          A.     His walker.

20          Q.     Okay. Let's continue.

21                 (Tape played.)

22          Q.     When you ask about the fierros from his  
23 walker, his response is "no." Do you know what he's  
24 responding no to?

25          A.     I believe he's trying to stop me in mid

1 sentence -- no, wait a minute, let me tell you  
2 what's going on. That's when he states, he thinks  
3 that Trigger made a statement that the fierros came  
4 from his walker.

5 Q. Who is Trigger?

6 A. Trigger is a former SNM Gang member.

7 Q. Do you know his real name?

8 A. It's Jason Wright, I believe.

9 Q. Since you were there at the time, do you  
10 know if Jason Wright was in the same housing unit as  
11 you guys?

12 A. I can't recall.

13 Q. Okay. Let's -- and how are you speaking  
14 to Mr. Perez at this time, if your cells are next to  
15 each other?

16 A. Underneath the bunk there is a heater that  
17 runs underneath all our cells, through the wall.  
18 And I'm talking to him in the vent of the heater.

19 Q. And depending on the facility, can you  
20 communicate with people next door to you and  
21 sometimes even above or below you?

22 A. Yes. The people next door to you, you  
23 mostly want to communicate under the bunk so it  
24 stays more private. But if you want to talk  
25 upstairs, you can talk in the vent. It's the one

1 that -- it's like, how do I say it? It's the vent  
2 that sucks in the air; it circulates the air in the  
3 cell. So it's right above your desk, and you can  
4 talk into it up there. But that's if you mostly  
5 want to talk upstairs, to people above you.

6 Q. So when you asked him to speak up, why are  
7 you asking him to do that?

8 A. So I could record him better.

9 Q. Let's continue, please.

10 (Tape played.)

11 Q. Now, when Mr. Perez tells you, "I don't  
12 know nothing, I didn't see nothing," that's  
13 basically his story, what did you understand him to  
14 mean?

15 A. Well, basically, what he's telling me is,  
16 I ain't going to say nothing, I'm not going to rat:  
17 Hear no evil, see no evil, speak no evil. So what  
18 he's telling me is that's going to be my statement,  
19 and it's going to remain to be my statement.  
20 "Statement" which means what was given to the  
21 authorities, more likely the STIU, or whatever  
22 authorities interviewed him.

23 Q. Here, it sounds like he's already told you  
24 he denied to them that he knew anything about the  
25 shanks from his walker.

1           A.     Yeah. That's what we're supposed to do.  
2 We're supposed to deny anything like that to law  
3 enforcement. Even being a member of SNM, we're  
4 supposed to deny it.

5           Q.     Let's continue.

6                     (Tape played.)

7           Q.     Okay. So is that what you're referring  
8 to? He's admitted to you -- and are you the only  
9 person he's told about this? Is that what he's  
10 telling you?

11          A.     What he's saying is: You're the only  
12 person that I told this to, because you don't want  
13 to be bragging about murders to other brothers.  
14 It's a hear no evil, see no evil policy in the SNM.

15                     And for him to even say, "Yeah, the shanks  
16 came from my walker," brothers can say, you know  
17 what? This vato is bragging, he needs to go, he'll  
18 be the next one to get hit.

19                     So what he's stating is, Look, what I told  
20 you, I only told you. He don't want no one else  
21 knowing, you know, that he's talking about the  
22 shanks coming from the walker.

23          Q.     When he says here in the transcript, he  
24 didn't know anything, it has an indication here that  
25 you kind of laughed.



1           A.     Well, what he's saying is, in other words,  
2     You know -- what I'm telling you is you know, and  
3     we're talking about this, but I don't know nothing.  
4     In other words, "I'm not telling you this." So that  
5     way other brothers won't -- you know what I mean --  
6     find out that he's talking about the murder.  
7     Because we're not supposed to talk about things like  
8     that.

9                     When things happen, they happen, and  
10    that's it. We go on, we don't talk about it, we  
11    don't brag about it. Because it can get brothers  
12    convicted. It can -- you know, it can land up in  
13    the authorities' hands, can land up -- you know,  
14    wrong people hearing it.

15           Q.     And even though that is kind of an  
16    unwritten rule, are you aware of brothers sometimes  
17    talking about things that they've done?

18           A.     Yeah, they do. But it's a very tight  
19    line. Because if you're bragging about what you've  
20    done, you know, it's frowned on. But it's okay  
21    amongst some brothers, if you're talking to them, if  
22    you're real close to them.

23                     But if you're implicating other brothers  
24    that have done murders with you in that situation,  
25    then you shouldn't be talking about that. And

1 brothers -- what we call is campaigning, politicking  
2 against you. That can get you murdered. If I'm  
3 sitting there saying, Oh, yeah, me and Rudy, I gave  
4 the shanks to Rudy so he can hit this dude. That's  
5 like, oh, wait a minute, you shouldn't be saying  
6 stuff like that.

7 Now, if I'm saying, oh, I killed that vado  
8 or I killed this dude, that's a little different.  
9 You know, it's still frowned upon, but brothers,  
10 they can't politic against you, because you're not  
11 going to get no one else busted. You're going to  
12 get yourself busted, you know what I mean? But you  
13 still shouldn't be talking about it.

14 Q. Let's continue with the recording.

15 (Tape played.)

16 Q. So was there an indication here that other  
17 people were involved with the walker and the shanks?

18 A. What he's saying is when the other two  
19 that know -- he's saying the other two that know  
20 that he gave the shanks to whoever asked him for  
21 those shanks, those are the only ones that know.  
22 Anyone else didn't need to know.

23 Q. And he's pretty sure that they're not  
24 going to say anything?

25 A. Yes, he's pretty sure they're not going to

1 say nothing.

2 Q. Let's continue.

3 (Tape played.)

4 Q. What was Rudy Perez' physical condition  
5 where he says, "If I can't put in work for the  
6 family, I've got to do my part"?

7 A. Well, right there where he says -- back up  
8 and he says, "derecho," all right; that's Spanish.  
9 He's saying straight. Right. When you say  
10 "derecho," that means okay, this is the way it is.  
11 All right?

12 If I'm not willing to put in work, if I  
13 can't put in work because of my condition, then I've  
14 got to be willing to play our part. In the SNM, we  
15 all have a part to play, no matter how big, how  
16 small. And if you can't play that position, then  
17 there could be repercussions.

18 In SNM, the motto is, once the placaso  
19 touches your skin, you go to work, and you continue  
20 to work and you put in work till the day you die.  
21 And the placaso is the Zia with the SNM in it. And  
22 that's what he means when he says, "I've got to do  
23 my part," because we all have a part to play in the  
24 SNM, no matter how big, no matter how small. And it  
25 continues to death.

1 Q. Let me ask you this: When you were living  
2 in the pod in 2014, or I should say the pod next  
3 door, was -- did Rudy Perez use a walker even then?

4 A. Yes, sir.

5 Q. And did he have physical and other health  
6 problems?

7 A. Yes, sir.

8 Q. Did the brothers look out for him, as far  
9 as you knew?

10 A. As far as I knew, yes, sir.

11 Q. Who were some of the people who looked out  
12 for him?

13 A. Ronald Sanchez, he was his caretaker. The  
14 administration knew that. He would take him to  
15 medical in his wheelchair and he would wheel him  
16 back, because he didn't want the brother getting  
17 jumped on the compound, or anything happening to the  
18 brother, make sure he wanted to be safe.

19 There was other brothers, I understood,  
20 that would clean his cell for him, pretty much,  
21 yeah, take care of him. If he couldn't get his  
22 tray, they'd bring his tray to him, stuff like that.

23 Q. Who is Ronald Sanchez?

24 A. Ronald Sanchez is -- he's not an SNM  
25 member, but his brother is.

1 Q. Who is his brother?

2 A. Dan Dan Sanchez.

3 Q. And were you -- if the Molina murder  
4 happened in blue pod, which pod were you in when  
5 that happened?

6 A. I was in yellow pod, I was in the pod next  
7 to it.

8 Q. Okay, let's continue.

9 (Tape played.)

10 Q. What does it mean that when he says,  
11 "you'd be a runner dog"?

12 A. A runner is somebody that does all the  
13 business for other big brothers on the line. So if  
14 there is brothers that had influence, that need to  
15 have things done; like, if they're in Seg, and I  
16 need to send huilas, messages, in or out of Seg; if  
17 I need to carry shanks and pass a shank to one part  
18 of the prison, and take it to the other part of the  
19 prison so a hit can go down; like if a drug deal  
20 needed to go on, and it needed it to be done right  
21 away, they would send me. I would be the one that  
22 would be doing all the dirty business for them. I  
23 would be a runner.

24 Q. So you'd be a younger, more fit, athletic  
25 type of guy?

1           A.     Yes.   Because I'm real fast.   I can get  
2 things done.   So in those days, when we were on the  
3 line before they locked us down, that's how it was.  
4 You had runners.   So sometimes there would be  
5 conflict, say all the brothers are having problems  
6 with the C Char Boys, Here, carnal, you need to take  
7 these three shanks across the compound.   You would  
8 have to pass through checkpoints where there is COs  
9 on the compound looking out.   But I'm fast.   I can  
10 get past them, I can manipulate them easy.   And I  
11 can get the shanks to where they need be, in case a  
12 war jumps off, they need to stab somebody.

13                 Say there was -- you need to go collect  
14 this, this Vato owes \$50 or drogas, this Vato owes  
15 \$100, this guy owes this or that.   So I go and I do  
16 all the collecting for them.   Somebody did pay a  
17 third to the onda today.   Because we tax everybody  
18 on the yard, a third that comes in of their drugs.

19                 MS. JACKS:   Objection, Your Honor.   This  
20 is a narrative.

21                 THE COURT:   Why don't you do a little Q  
22 and A.

23                 BY MR. CASTELLANO:

24                 Q.     Sure.   What's the onda?

25                 A.     The onda is the SNM.   It's our destiny.

1 It's what the word comes from. It's our destiny.

2 Q. And so for someone like you, you would  
3 have a different job than Mr. Perez?

4 A. Yes, because I'm quick and I'm athletic  
5 and I would be a runner.

6 Q. Let's return to the recording.

7 (Tape played.)

8 Q. What does it mean to be a justified move?

9 A. A justified move is when a brother breaks  
10 the policies or the rules of the onda, and they need  
11 to move on him. And what he's meaning, is it  
12 justified, did he -- did he break the rules?

13 Because sometimes there is personal beefs. Like I  
14 said, there is no true loyalty in the SNM. You  
15 know, there is rules, but rules get broken all the  
16 time.

17 Q. What's the significance of having  
18 paperwork?

19 A. The significance of having paperwork is a  
20 big deal. That's what we use to assassinate  
21 informants or people that have testified against  
22 other people.

23 Q. So if you have paperwork, does that help  
24 keep politics out of it? You can't just say, Hey, I  
25 know this brother's bad and you kill him, you later

1 find out it was just a personal beef, for example?

2 A. Yes. Paperwork, that ends all the  
3 politicking right there. You have it in black and  
4 white. That dude needs to go, and the black and  
5 white speaks volumes.

6 Q. Let's continue.

7 (Tape played.)

8 Q. Who is JR?

9 A. JR is Jerry Montoya.

10 Q. Is it your understanding that Jerry  
11 Montoya was also involved with the Molina murder?

12 A. Yes, sir.

13 Q. Did you know anything about any statements  
14 he made or anything like that?

15 A. There was talk when I got out -- when I  
16 got out I came back from the streets for the murder  
17 case. There was talks at the north in the yard,  
18 they had put us all right there at the North. And  
19 there was talks in the yard and people were saying  
20 this, saying that. They think this is going on.  
21 And to my understanding, that's what was being said.

22 Q. Let's continue.

23 (Tape played.)

24 Q. Who is Red?

25 A. Red is Timothy Martinez.



1 Q. Was it your understanding that he was also  
2 involved in the Molina murder?

3 A. Yes, he was.

4 Q. Okay. Let's continue.

5 (Tape played.)

6 Q. A few things here. Who is Kreater?

7 A. Kreater is Jerry Armenta.

8 Q. And when he says, "You did right, dog."

9 And you go, "What do you mean?"

10 Do you remember why they told him he had  
11 done right?

12 A. Probably because he provided the shanks  
13 that killed Javier Molina.

14 Q. Then the recording ends there. Why does  
15 the recording end there?

16 A. It could have been a number of things:  
17 They probably were passing out chow that day, and  
18 opened my food port. I didn't want to see a CO  
19 seeing me with a recorder, you know. It could have  
20 been a couple of things. Maybe I needed to use the  
21 restroom, things like that.

22 Q. Do you remember anything specifically,  
23 though?

24 A. Anything specifically?

25 Q. Right. About why, on that occasion, it

1 stopped.

2 A. No, I can't. I can't recall.

3 Q. Okay. Let's turn next to Government's  
4 Exhibit 178.

5 MR. CASTELLANO: At this time, Your Honor,  
6 I move the admission of Government's 178.

7 THE COURT: Any other discussion on 178?

8 MR. VILLA: No, Your Honor.

9 MS. JACKS: No, Your Honor. We just  
10 request a limiting instruction.

11 THE COURT: All right. I think  
12 Government's Exhibit 178 -- let me, first of all,  
13 admit it.

14 (Government Exhibit 178 admitted.)

15 THE COURT: And I think it also relates to  
16 a conversation with Mr. Perez, so you can only use  
17 this evidence in your deliberations as to Mr. Perez  
18 and not as to the other three defendants.

19 Mr. Castellano.

20 MR. CASTELLANO: Thank you, Your Honor.

21 BY MR. CASTELLANO:

22 Q. Okay. Mr. Cordova, we're going to begin  
23 with the next recording.

24 (Tape played.)

25 Q. First of all, what's going on at the

1 beginning of this conversation?

2 A. He's saying that once it came out that he  
3 wasn't ratting, that the brothers didn't even give  
4 him an apology. They thought he was ratting  
5 because, when STIU sent certain people out of state,  
6 locked certain people down, there was an individual  
7 that had got caught up in the whole mess. And  
8 everybody's like, Well, how could that individual  
9 get caught up? You know, how did they know that  
10 he's the one that asked and got the shanks from him?  
11 You know. So they were like kind of thrown for a  
12 loop.

13 Q. So, for example, when some people are  
14 moved and other people aren't moved, that raises  
15 suspicion?

16 A. Yes, it does.

17 Q. And at some point, there was suspicion  
18 about Rudy Perez; is that true?

19 A. Yes, sir.

20 Q. And do you know who Bill and Jean are  
21 referred to in this transcript?

22 A. Probably just a way just to kind of clown,  
23 we're having conversation, like Bill and Jean, you  
24 know, just saying crazy stuff.

25 Q. So when you're using those names, are you

1 referring to anybody specifically?

2 A. No, just the people that were just  
3 probably talking down on him, and he didn't want to  
4 voice it too much about who was talking down on him,  
5 you know, so he just probably threw their words --  
6 their names in it.

7 Q. Okay. Let's continue.

8 (Tape played.)

9 Q. All right. So someone is saying Rudy --  
10 someone didn't think Rudy was strong enough to keep  
11 his mouth shut about this. Is that Trigger, or is  
12 it someone else?

13 A. I can't say, but I know there was -- you  
14 know, like I said, there was talks in the yard,  
15 different -- amongst different brothers that maybe  
16 thought because of his conditions, his health, that  
17 he wouldn't keep his mouth shut, that he might break  
18 and maybe he should be hit.

19 Q. So up above you're talking -- you're  
20 asking him about why people were talking. Is that  
21 what you're asking, why people are talking about  
22 him?

23 A. Yes, that's why I'm asking him that.

24 Q. Okay, let's continue.

25 (Tape played.)

1 Q. What does it mean to check somebody? You  
2 said he checked Trigger.

3 A. It's to defend your honor. When something  
4 is being said about you in the onda, or anybody, you  
5 check them, you let them know, hey, what the F?  
6 What's up?

7 In other words, letting them know, keep on  
8 running your mouth, I'm going to do something to  
9 you. So you've got to check them, you know what I  
10 mean? Stop them in their tracks.

11 Q. So is Mr. Perez then telling you that he  
12 defended his honor and he didn't stand for that?

13 A. Yes. He's stating to me that he defended  
14 his honor, and he checked the ones that were talking  
15 bad about him.

16 Q. Let's continue.

17 (Tape played.)

18 Q. So just so we understand what's going on  
19 at this point in time, at the time you record this  
20 conversation with Mr. Perez, was the -- what was  
21 going on with the state case with the Molina murder?  
22 Do you know if it was still just pending?

23 A. To be honest with you, I don't know if it  
24 was pending or -- I don't know what was going on, I  
25 can't recall.

1 Q. That's okay. And when it says, "When  
2 everything went down and the discovery actually got  
3 there," what are you guys talking about when you  
4 refer to "discovery"?

5 A. Discovery are the -- it's the paperwork  
6 that's involving the case, legally. And the  
7 discovery, it's everything that pertains to a case  
8 legally. So it's all the paperwork that authorities  
9 have on you. And at that time when they got back  
10 the discovery, they seen that Rudy Perez, he hadn't  
11 ratted. So they said, no, you're good, bro, don't  
12 even trip, don't even worry about it.

13 Q. Let me ask you this. When discovery comes  
14 out and has all the police reports, does that  
15 eventually get back to the gang? Have you guys  
16 looked at people's paperwork?

17 A. Always. Always gets back to the gang.  
18 Always.

19 Q. And so when that happens, is that why  
20 paperwork is important, you figure either a guy is  
21 good or he's not good with the S?

22 A. Yes.

23 Q. And he says Baby G shot me with the -- he  
24 said Rudy, don't worry. It's exactly like you said.  
25 Who is Baby G?

1           A.     Baby G is Jonathan Gomez. And he had shot  
2 word back to Perez, like -- and whoever they got the  
3 discovery, maybe in the streets. Because I know  
4 we'll get the discovery, like from the county  
5 clerk's office. We'll call in a CR number, and  
6 they'll have it ready for us sometimes. Sometimes  
7 pay for it, sometimes you don't have to. And you  
8 have someone go pick it up. And we'll screen it,  
9 we'll go through it. And if the dude is good, he's  
10 good; if not, he gets to go.

11           Q.     Okay. Let's continue.

12                     (Tape played.)

13           Q.     What's this talk about Rudy Perez staying  
14 in his cell?

15           A.     I guess he was just staying in his cell. I  
16 can't really tell you why. Maybe just so it would  
17 look like he wasn't a part of it.

18                     MR. VILLA: Objection. Speculation.

19                     THE COURT: Well, why don't you lay some  
20 foundation for that?

21 BY MR. CASTELLANO:

22           Q.     In other words, was he telling you, I  
23 don't know anything else because I just stayed in my  
24 cell?

25           A.     He probably stayed in his cell on purpose

1 because he knew once the metal -- if the metal was  
2 found --

3 MR. VILLA: Objection, Your Honor.  
4 Speculation.

5 THE COURT: Well, why don't we do this.  
6 Ask him what he understands Mr. Perez to have said,  
7 and just leave it at that. He can give his  
8 understanding.

9 BY MR. CASTELLANO:

10 Q. What is your understanding about Mr.  
11 Perez' statements about staying in his cell?

12 MR. VILLA: Your Honor, he already said "I  
13 don't know, I can't say."

14 THE COURT: Ask him first if he knows what  
15 Mr. Perez is talking about, did it communicate any  
16 information to him.

17 A. Okay.

18 BY MR. CASTELLANO:

19 Q. So --

20 A. What I understand --

21 THE COURT: First of all, answer my  
22 question: Did you understand what he was saying  
23 when he made that statement?

24 THE WITNESS: Yes, I understood what he  
25 was saying.



1 THE COURT: And did he communicate some  
2 information to you?

3 THE WITNESS: Yes, sir.

4 THE COURT: And what information did he  
5 communicate to you?

6 THE WITNESS: What the communication, what  
7 I thought it was, is that he stayed in his cell so  
8 that way, if the metal, the shanks were ever found,  
9 they couldn't say, Hey, it came from your walker,  
10 you had to be involved someway, somehow. It's an  
11 escape route. That way he can say, I'm in my cell,  
12 I don't know nothing, I didn't see nothing. That's  
13 what I took it as.

14 BY MR. CASTELLANO:

15 Q. All right. Let's continue.

16 (Tape played.)

17 Q. Okay. Do you know who Marijuano is?

18 A. Marijuano is, I know who he is. It's just  
19 going to take me a little while. That's a weird  
20 name, it's like Urquizo, his last name is Urquizo or  
21 something. Marijuano is, oh, man --

22 Q. We can move on. If it comes to you --

23 A. I know who Marijuano is.

24 Q. Is Marijuano an SNM Gang member?

25 A. Yes, sir.

1 Q. And in March of 2014, did Marijuano come  
2 into your pod?

3 A. I know he was at the North with us. I  
4 know he was at the North with us. I've seen him in  
5 the yard. I would talk to him in the yard at the  
6 North, so I know he was there with us. I don't know  
7 if he was in the pod. But I think he was in the pod  
8 next to me.

9 Q. We'll come back to him.

10 A. All right.

11 Q. What is this talk about Marijuano?

12 A. Wait a minute. Where are you asking?  
13 2014, March? Oh, I thought -- I'm sorry, I thought  
14 you meant 2016. Yes, he was in the same pod with  
15 me. In Southern? Yes, he was in the same pod with  
16 me, yellow pod. Sorry about that, sir.

17 Q. That's okay. And do you know what Rudy  
18 Perez is referring to when he mentions Marijuano?  
19 He says, "I'm not like Marijuano."

20 A. Marijuano was -- it was being said in the  
21 yard that Marijuano was bragging or talking about  
22 the paperwork on Javier Molina on the way down in  
23 the transport van. And he shouldn't have been  
24 talking about a mission, shouldn't have been talking  
25 about a hit. And his due, he was to bring the

1 paperwork down on Javier Molina. And I guess  
2 someone overheard him and Archie talking about the  
3 paperwork. And they shouldn't have been doing that.

4 Because that was -- that's real sensitive  
5 nature. When someone is going to get killed, the  
6 only people that need to know are the people handing  
7 down the hit and the people going on the mission.

8 Q. So Mr. Perez is basically saying I'm not  
9 going to have a big mouth like the other guys  
10 talking?

11 A. Yes. In other words, you won't catch him  
12 bragging in the yard that the shanks came from his  
13 walker because he ain't like Marijuano.

14 Q. Okay. Let's continue.

15 (Tape played.)

16 Q. He calls somebody Shadow here. Who is  
17 Shadow?

18 A. The other Shadow in the SNM organization  
19 is Roy Martinez.

20 Q. And what are you called?

21 A. I'm called Little Shadow.

22 Q. And is this where you're talking about  
23 earlier with people running their mouths?

24 A. Yes.

25 Q. Was there a concern about that?

1 A. Yes, there was concern about that.

2 Q. Let's continue.

3 (Tape played.)

4 Q. Can you tell what he said there, where  
5 it's unintelligible in the transcript, "you and me  
6 catch" --

7 A. It says "You and me catch the carena."  
8 Carena is what we call in prison, it's a Spanish  
9 word like chain, the carena. The chain is the  
10 transport. So that's what he's talking about, if me  
11 and you catch transport today.

12 Q. Okay. Let's continue.

13 (Tape played.)

14 Q. I got the what?

15 A. The mensaje. That means the word, the  
16 message that was supposed to be brought down. He's  
17 talking about the paperwork that was given to  
18 Marijuano to bring down to Southern, and during, on  
19 the chain, on the transport, he was talking about it  
20 to another SNM member, Archie. He should have never  
21 been doing that, because Archie should have never  
22 known about the paperwork.

23 Q. Okay. Let's continue.

24 (Tape played.)

25 Q. So by midnight, these people already knew

1 who took the, is it mensaje again?

2 A. Yes, the message. The paperwork to hit  
3 Javier Molina.

4 Q. And two names are mentioned here:  
5 Marijuano and Archie.

6 A. Yes, Marijuano and Archie, those are the  
7 only two that knew at that time of the message going  
8 down there to hit Javier Molina.

9 Q. What's the distinction here? There is  
10 Marijuano, and then Archie is in the fed?

11 A. Well, what he's saying, because Archie got  
12 rounded up on the RICO. So at this time he's  
13 saying, you know, the other one's in the feds, which  
14 is Archie. And the other one is still here in 2A.  
15 2A, I believe at that time -- I don't recall if 2A  
16 was at the South or 2A at the North, but I believe  
17 it was 2A at the South.

18 Q. So at this point in time had Archie Varela  
19 been charged and Marijuano not been charged?

20 A. I believe so.

21 Q. And the time you're having this discussion  
22 with Rudy Perez, is this after the first roundup in  
23 December, where a bunch of members were rounded up?

24 A. Yes, sir.

25 Q. At the point you have this discussion with

1 Mr. Perez, had he been charged in this case yet?

2 A. Who, Mr. Perez?

3 Q. Yes.

4 A. No, he hasn't been charged yet.

5 Q. Okay. Let's continue.

6 (Tape played.)

7 Q. Who is Spider?

8 A. Spider is another SNM, member of SNM  
9 organization.

10 Q. Do you know his name?

11 A. David Calbert.

12 Q. What are you saying, when you say "right,  
13 because he picked up the mensaje from Spider"?

14 A. Yes. From what I heard, he was one of  
15 them that picked up the mensaje from Spider and took  
16 it down there.

17 Q. Let's continue.

18 (Tape played.)

19 Q. Do you know what Mr. Perez is referring to  
20 when he says that the first time and then a second  
21 time? Somebody shot a kite down here, this is the  
22 first situation. And then he refers to the second  
23 time.

24 A. Right, he's saying --

25 Q. If you know.

1 A. Yeah, to my understanding, yes.

2 Q. And did you know if Mr. Perez was pending  
3 investigation by STIU or the corrections system?

4 A. Yes, I knew that.

5 Q. Let's continue.

6 (Tape played.)

7 Q. Do you know what this discussion is about,  
8 filing grievances and what's going on here?

9 A. Yeah, they're trying to get Rudy Perez  
10 back down to Cruces.

11 Q. So is Cruces a lower level facility than  
12 Level 6?

13 A. Yes, it's our Level 4, it's our unit that  
14 we come out with each other. But it's only SNM Gang  
15 members down there.

16 Q. So it sounds like he's complaining about  
17 being locked down as long as he was; is that  
18 correct?

19 A. Yes. And there was other brothers helping  
20 him. That's what we do for each other. We'll file  
21 petitions. And we'll file with the administration  
22 to get us out. We'll go as far as filing habeases  
23 into the court system to get brothers out of lockup,  
24 back into general population with us.

25 Q. Was it indicated in here also that Blue

1 helped him with his grievance?

2 A. Yes.

3 Q. Who is Blue?

4 A. Blue is -- he's another SNM Gang member  
5 from Silver City; Mario -- Mario Rodriguez, or  
6 something like that, I think it is. I know it's  
7 Mario. And he helped him. Yeah, he helped him file  
8 a grievance so he can get out and come back with the  
9 brothers down here at Southern.

10 Q. Do you know who the person Wendy is here  
11 that's being talked about?

12 A. Wendy was the unit manager.

13 Q. And so would she then be involved in this  
14 process if you're moving people back and forth?

15 A. Yes, she would be a major player, because  
16 it goes through your caseworker first. They suggest  
17 it, then it goes through your unit manager. Then  
18 the unit manager does the paperwork through CBC to  
19 send you wherever you're going to go classified.

20 Q. Let's continue.

21 (Tape played.)

22 Q. What is PTH?

23 A. PTH is pending transfer to another  
24 facility.

25 Q. So at some point is he telling you that a



1 determination had been made to send him back from  
2 Santa Fe to Las Cruces?

3 A. Yes, sir.

4 Q. Let's continue, please.

5 (Tape played.)

6 Q. What's the significance of saying he's  
7 never disrespected the onda?

8 A. That means he's never broken no rules,  
9 he's never went against the family, he's never  
10 dropped a flag. It means he's always represented to  
11 the fullest.

12 Q. And up above, we see it throughout the  
13 transcripts, when someone says ya, si mon, what does  
14 that mean?

15 A. Si mon, just like saying all right, yeah.

16 Q. Let's continue.

17 (Tape played.)

18 Q. You asked him if one of the people was BB.  
19 Who is BB?

20 A. BB is Javier Rubio. He was a former SNM.  
21 He's part of the SNM organization. He was a member  
22 also.

23 Q. And do you know who Little Cruces is?

24 A. Yes. It will be hard to say him by name.  
25 But yes, I know who Little Cruces is. He's another

1 member of the SNM organization.

2 Q. And do you know what Mr. Perez' beef was  
3 with him? He said he didn't even want to --

4 A. I guess he was probably running his mouth,  
5 saying, oh, why -- just back to all these guys got  
6 shipped out of state, this guy got locked down, how  
7 come. You know, it's probably just insinuating that  
8 Rudy ain't strong enough to keep his mouth shut.  
9 And maybe Rudy needs to go, and might have been  
10 campaigning or politicking against him. That's  
11 sometimes how it turns out.

12 Q. Let's continue.

13 (Tape played.)

14 Q. What is Mr. Perez telling you here when  
15 he's talking about Crocodile and BB?

16 A. Well, because BB and Crocodile broke the  
17 rules. There was paperwork sent down there the  
18 first time, and Javier wasn't handling it. So they  
19 were going to be next to get hit, because it should  
20 have got handled the first time.

21 Q. Is that what he's referring to? It was  
22 never done the first -- the paperwork got sent down  
23 there.

24 A. Yes.

25 Q. So is it your understanding that he's

1 telling you the paperwork was already there and  
2 Molina didn't get handled?

3 A. Yes. The paperwork was down there. And  
4 to my understanding, the paperwork disappeared also.  
5 It will come up again.

6 Q. And do you know who Crocodile is?

7 A. Yes, Jesse Sedillo.

8 Q. And can you tell the members of the jury  
9 whether BB and Crocodile were down in Las Cruces  
10 when you were there in 2014?

11 A. Yes, they were down there. And they were  
12 given leadership in a pod. They were llaveros. The  
13 llaveros are in charge of knowing who has put in  
14 work, who has their bones, who was a certified  
15 carnal, if there is any paperwork on them; to make  
16 sure things get done, make sure that rules are kept  
17 and not broken. Basically, they're in charge of  
18 that tier.

19 Q. So is that a leadership position?

20 A. Yes, it's part of the tabla.

21 Q. And down below, there is talk about "vato  
22 was in green park for a minute." Do you know what  
23 pod they were in?

24 A. I think that's "pod." I think it's "green  
25 pod." Yeah, BB and Croc, they were in green pod.

1 Q. And where was green pod in relation to  
2 yellow pod?

3 A. It's on the other side of yellow pod.  
4 Like blue pod is in the middle, and green pod is on  
5 one side and blue pod is on the other side. They  
6 are three-pod units.

7 Q. Let's continue.

8 (Tape played.)

9 Q. What does it mean to get put on the  
10 payment plan?

11 A. Means you're getting extorted by other  
12 brothers. He was -- to our understanding, that's  
13 what happened, is Javier Molina at the time --

14 MS. DUNCAN: Your Honor, I'm going to  
15 object. This is calling for hearsay.

16 THE COURT: What are you trying to prove  
17 with this?

18 MR. CASTELLANO: His explanation for the  
19 term.

20 THE COURT: Are you trying to elicit this  
21 out-of-court statement?

22 MR. CASTELLANO: Yes, Your Honor. It's  
23 his understanding of what the payment plan refers  
24 to.

25 THE COURT: Well, see if he can give his

1 understanding without maybe giving all the  
2 information received from others.

3 BY MR. CASTELLANO:

4 Q. Without saying what other people told you,  
5 just what is your understanding of getting put on  
6 the payment plan?

7 A. Well, I knew, I was down there. I seen  
8 Javier Molina. Every time he would go to the visit,  
9 he would hit his drugs. He would come back and  
10 there was two individuals that would go and get  
11 drugs from him. So he was paying his way, so that  
12 way the paperwork wouldn't come out and get him hit.

13 Sometimes, like I said, rules are broken,  
14 they're not always followed. But they were in  
15 leadership. No one was going to question their  
16 leadership at that time. And they thought maybe  
17 they can keep it under wraps, quiet, until they came  
18 out and they were extorting him for drugs.

19 Q. In a second here you're going to talk  
20 about a second time when Spider and Archie pushed  
21 the issue. What's the issue that's getting pushed?

22 A. Spider was up at the North and he was  
23 sending word down to Cruces, why hasn't this already  
24 happened. There is paperwork on this guy, this guy  
25 needs to get hit. It's making us look bad.

1 Q. Let's continue then.

2 (Tape played.)

3 Q. Do you know what he's referring to when he  
4 said, "until the black and white's reproduced nobody  
5 can move on it"?

6 A. Yes, that's paperwork. And black and  
7 white, it's paperwork. It's a statement you give in  
8 the discovery, comes out in the discovery if you've  
9 ratted on somebody. And that's what happens when  
10 he's talking about there is black and white.  
11 Sometimes there will be people that will say: Be  
12 careful with this guy, because they know he's a rat,  
13 but they don't got the paperwork yet.

14 And see sometimes when they say be careful  
15 with them, it might be sensitive information that  
16 don't want to be said around certain individuals.  
17 Because if that guy is a suspected rat, they don't  
18 want administration or other law enforcement getting  
19 ahold of that information.

20 So that's probably -- that's what it means  
21 when -- if it's black and white, it's for sure. And  
22 what he's saying is when something is being said  
23 about somebody that's like that, they keep it in the  
24 back of their mind on reserve. That way, they're  
25 real cautious around that individual. They know how

1 to step around him. That way, they don't slip up  
2 and say something and then it comes back to haunt  
3 them.

4 Because if they do slip up and say  
5 information and a rat gets ahold of it, a rat, they  
6 can be subject for a hit, too. They can get done in  
7 just like the rat. Why? Because they were sloppy.  
8 They didn't keep their mouth shut.

9 MS. DUNCAN: Your Honor, I object to the  
10 narrative.

11 THE COURT: Why don't we do some more  
12 questions and answers.

13 MR. CASTELLANO: Sure, Your Honor.

14 BY MR. CASTELLANO:

15 Q. In other words, if there's suspicion about  
16 somebody, you're still going to be careful about  
17 him, right?

18 A. Yes, sir.

19 Q. Because if you say something sensitive  
20 around them and they end up being a rat, that could  
21 come back to haunt you?

22 A. Yes, because you knew he was a rat and you  
23 weren't careful.

24 Q. Let's continue.

25 (Tape played.)

1 Q. Jesse Sosa is who?

2 A. At that time Jesse Sosa -- no, he's not a  
3 member. I think we mixed him up. I think he don't  
4 know what Croc's name is and we were talking about  
5 Crocodile. So I think he's referring to Jesse  
6 Sedillo.

7 Q. And if it is Jesse Sosa, is that the  
8 person that Mr. Molina --

9 A. Yes, Jesse -- Javier Molina had ratted on  
10 him, and there was paperwork on him for that.

11 Q. So at this point you're not sure, he could  
12 have been --

13 A. Could have been anyone, but I'm pretty  
14 sure, because the way the conversation was going, it  
15 was Crocodile, but probably didn't know his last  
16 name, just knew him by Jesse. And they're both  
17 Jesses.

18 Q. Okay. Let's continue.

19 (Tape played.)

20 Q. Mr. Perez refers to getting validated.  
21 And once that happens, no movement, you get done  
22 dirty, what does it mean to get validated?

23 A. Validated is when the STIU, the gang unit  
24 validates you that you're an SNM Gang member. Once  
25 that happens, you're limited only to a Level 4



1 restriction housing unit with only SNM members.

2 And when we recruit new members into the  
3 SNM, we tell them, deny SNM to all law enforcement  
4 and try to get to lower levels. That way we can  
5 take control of the lines, and we can run things  
6 indirectly from lockup to Level 4s.

7 Q. So once you're validated, you're going to  
8 be limited to where you can go?

9 A. Yes. You're going only to be limited  
10 around brothers. And it's really not good, because  
11 it limits our resources in the SNM organization.

12 Q. Were you eventually validated?

13 A. Yes, I was eventually validated.

14 Q. Do you remember when that was?

15 A. I'm pretty sure it was in 2009.

16 Q. So you were an SNM member for a number of  
17 years before you were actually validated by the  
18 corrections system?

19 A. Yes. Because I knew how to my mouth shut.  
20 And I would never talk to STIU. I would be real  
21 careful who I let know who I was an SNM member and  
22 who needed to know. That way I could do what needed  
23 to be done for the organization on the lines.

24 Q. Let's continue with the recording.

25 (Tape played.)

1 Q. Do you know who Mr. Perez is speaking to  
2 when he refers to his lady and Baby G's ladies are  
3 roommates?

4 A. I can't recall. The only person that I  
5 knew that girlfriends were real tight with Baby G  
6 was only a handful of people. And to be honest with  
7 you, I can't really say.

8 Q. Okay. And Mr. Perez mentioned someone  
9 named Ace. Who is that?

10 A. Ace is another member of the SNM  
11 organization.

12 Q. And in a second he's going to mention  
13 somebody named Earn Dog?

14 A. Yes, he's another SNM member, Ernest  
15 Guerrero.

16 Q. Let's continue.

17 (Tape played.)

18 Q. There is mention here about somebody named  
19 Shotgun. Do you know who that is?

20 A. I believe -- I don't know if his last name  
21 is Ortega, it might be Ortega. But it's Eddie,  
22 Eddie Shotgun, he's another SNM, member of the SNM  
23 organization that's in the federal prison system.  
24 So an influential member in the federal prison  
25 system.

1 MR. CASTELLANO: At this time, I'm going  
2 to move the admission of Government's Exhibit 180,  
3 Your Honor. This is a recording between Rudy Perez  
4 and Mr. Cordova.

5 THE COURT: Is there any other discussion  
6 on 180?

7 MR. VILLA: No, Your Honor.

8 THE COURT: All right. Government's  
9 Exhibit 180 will be admitted into evidence.

10 (Government Exhibit 180 admitted.)

11 MS. JACKS: And, Your Honor, again we'd  
12 request limiting instructions.

13 THE COURT: And as Mr. Castellano  
14 indicated, this telephone conversation or  
15 conversation -- recorded conversation between --  
16 with Mr. Perez so you can only consider it, this  
17 evidence, in your discussions and deliberations as  
18 to the charges against Mr. Perez and not as to the  
19 other three gentlemen.

20 Mr. Castellano.

21 MR. CASTELLANO: Thank you, Your Honor.

22 BY MR. CASTELLANO:

23 Q. Let's begin with the recording.

24 (Tape played.)

25 Q. So this is another mention of the payment

1 plan. And you actually used the word extorting this  
2 time.

3 A. Yes.

4 Q. What are you referring to?

5 A. That was going on every time -- he says  
6 every time something would go down, what he's  
7 talking about is every time you go to a visit and  
8 come back, those two guys, BB and Croc, were at the  
9 door getting an issue from him so they were  
10 extorting him for drugs.

11 Q. Let's continue.

12 (Tape played.)

13 Q. All right. So the paperwork is there  
14 possibly a year before?

15 A. Yes.

16 Q. And Mr. Perez says we're not going to show  
17 it, so just make sure you show some love.

18 A. Yes. Well -- yes.

19 Q. What is that exchange, what for what?

20 A. Meaning we're not going to bring out your  
21 dirty laundry as long as you keep on paying us  
22 whatever we ask you of.

23 Q. Let's continue.

24 (Tape played.)

25 Q. What does it mean to be chaffa?

1           A.     It means -- to be chaffa means you  
2     ain't -- excuse my language -- but you ain't worth  
3     an F.   It's what it means.   In other words, you're a  
4     rat, you're a punk, you're PC, you're the worst of  
5     the worst of the convicts.

6           Q.     Let's continue.

7                     (Tape played.)

8           Q.     Do you know what he's referring to when he  
9     said it was so sloppy?

10          A.     Yes.   Because usually it's not sloppy like  
11     that within the SNM.

12          Q.     What is sloppy in this case?

13          A.     Sloppy is they stabbed him, for one, when  
14     they could have strangled him.   And it's happened  
15     before.   They strangle them, they'll tuck them into  
16     their bed and won't find him for hours later,  
17     sometimes days later.   Sloppy, he's talking about  
18     they let him out of the room, for one.   They should  
19     have never left him out of the room.

20                     For two --

21          Q.     Who is he referring to?

22          A.     He's referring to the guys that murdered  
23     Javier Molina.   And he's referring to them and that  
24     it was done sloppy.   It was a suicide mission.   So  
25     in other words, they were going to get caught.

1 Q. And do you know why SNM members might get  
2 sent on a suicide mission?

3 A. It could be for a number of things.  
4 Sometimes we clean up what we call trash. With  
5 trash, we'll have dirt on some people, we know they  
6 have paperwork on them. They messed up somewhere  
7 around the lines. And we'll send a rat to kill a  
8 rat. And then after that, we'll kill a rat. So  
9 it's --

10 Q. Let me ask you this: Were you aware of  
11 any issues with either Jerry Armenta or Jerry  
12 Montoya?

13 A. Yes, sir.

14 Q. First of all, Jerry Armenta, what was the  
15 concern about him?

16 A. The concern about him is that he had  
17 picked up what we call a chaffa charge. It was a  
18 sex charge, a sex assault charge. But he pled it  
19 down to distributing to the delinquency of a minor.  
20 Still, with that, distributing (sic) to the  
21 delinquency to a minor, that was still was a bad  
22 thing. So there was talks about him being chaffa.

23 Q. Would that be a good reason to send  
24 someone like him on a mission?

25 A. A suicide mission, yes.

1 Q. What about Jerry Montoya?

2 A. Jerry Montoya, there was talks about --  
3 there was paperwork on him from, I think, 2000,  
4 1999, when he came to prison on his first murder.  
5 And that's what the talks were about him.

6 Q. Here, Mr. Perez does not want to say  
7 names, "somebody said them vatos," but he's not  
8 telling you the names. Is that kind of part of the  
9 rules?

10 A. Yes, it's part of the rules. You're not  
11 supposed to talk bad about brothers. It happens,  
12 like I said. You're not supposed to brag about  
13 things, especially not supposed to be talking about  
14 things like that we were discussing. That was a  
15 no-no, he should have been never doing that. But he  
16 did it anyways because he trusted me.

17 Q. I'm going to next play a short segment  
18 here and then I'll have some more questions for you.

19 (Tape played.)

20 Q. Okay. What does it mean to be less than  
21 one year to the house?

22 A. It means you're going home, you're going  
23 home within a year.

24 Q. Have you ever heard the term short to the  
25 door?

1 A. Yes.

2 Q. Is that something that's similar?

3 A. Yes.

4 Q. And so what is Mr. Perez telling you about  
5 one vato being 47 days to the house?

6 A. Basically what he's explaining to me is  
7 that there was something more to the hit than what  
8 should have been, because good brothers would never  
9 be sent on a suicide mission like that.

10 If you're going home, the SNM wants to  
11 further their agendas, murder on the streets,  
12 because now we're getting locked down. So, in other  
13 words, those brothers weren't worthy of going out  
14 there, and they weren't trusted to go out there and  
15 further the organization of the SNM. So they  
16 thought they shouldn't have went home. They should  
17 have done more time, I guess.

18 Q. Do you know who was about 47 days to the  
19 house?

20 A. Yes, it was Jerry Armenta.

21 Q. And then a reference to one other dude  
22 being less than a year to the house.

23 A. To my understanding, that was Red or Jerry  
24 Montoya.

25 Q. And the next statement is, Red was only



1 two years to the house.

2 A. Yeah, Red was two years to the house then.

3 I think it was Jerry Montoya, I think that was a  
4 year to the house.

5 Q. Who is Red?

6 A. Red is Timothy Martinez.

7 Q. And Blue was just a couple of years to the  
8 house. Who is Blue?

9 A. Blue is -- I don't know if it's Rodriguez,  
10 but I'm pretty sure it's Mario Rodriguez, to my  
11 understanding.

12 Q. And then Mr. Perez asked the question,  
13 "Why not send the vatos that are doing vida, homes?"  
14 What does that mean?

15 A. In other words: Why don't you send vatos  
16 that are doing what we call "all day." All day  
17 means you're doing a life sentence. A vida is a  
18 life sentence in prison.

19 Q. So if you're sending somebody who is doing  
20 life, there really aren't any consequences for them,  
21 I take it?

22 A. No, there is not.

23 Q. Okay. Let's continue.

24 (Tape played.)

25 Q. When Mr. Perez tells you, he's nobody, is

1 he just a soldier?

2 A. Yes, he's just a soldier, like I was.

3 Q. All right. So does he get to make those  
4 decisions about who gets killed like that?

5 A. No.

6 Q. As a soldier, is he supposed to do what  
7 he's told?

8 A. Yes.

9 Q. Let's continue.

10 (Tape played.)

11 Q. Do you know what the messages are he's  
12 referring to?

13 A. Yes. At that time there was word talking  
14 about they were going to -- supposed to let SNM back  
15 on the lines, but they were going to start locking  
16 up shot callers. At that point what we believe is  
17 that administration had received confidential  
18 information on Pup, Anthony Baca, and they were  
19 locking him up.

20 MS. DUNCAN: Your Honor, I'm going to  
21 object to this. This is hearsay, and I ask that the  
22 answer be stricken.

23 THE COURT: Are you trying to elicit this  
24 out-of-court statement?

25 MR. CASTELLANO: Yes, Your Honor. His

1 understanding of what Mr. Perez is saying about one  
2 message and leaving a couple out there on the table.

3 THE COURT: Well, I think we've got an  
4 agreement as to how we're doing these tapes. So as  
5 far as this conversation, Mr. Baca, I'll sustain the  
6 objection.

7 MR. CASTELLANO: That's fine.

8 BY MR. CASTELLANO:

9 Q. Let's continue with the recording.

10 (Tape played.)

11 Q. Just so there's no confusion, there is  
12 reference where he says, "When Shadow and them are  
13 around," is that you or the other Shadow?

14 A. That's the other Shadow.

15 Q. Okay. Let's continue.

16 (Tape played.)

17 Q. Did Mr. Perez give you his PIN number?

18 A. Yes, so I can make phone calls.

19 Q. So is he telling you that was a sign of  
20 trust when he gave that you information?

21 A. Yes. What people don't take in the  
22 streets as respect we take in prison very seriously,  
23 very seriously. Giving a PIN number like that,  
24 that's a big sign of trust and respect. Because at  
25 that time we were allowed four phone calls a month

1 because of our status. And to let me use one was a  
2 big sign of saying all right, I trust you.

3 Q. Let's continue.

4 (Tape played.)

5 Q. What are you communicating to him when  
6 you're saying, "I want to know what's up on the  
7 games"?

8 A. Because I want to know what's going on in  
9 the politic arena. That way I don't end up on the  
10 bad side or the wrong side of the politics. And  
11 myself end up in the hat, is what we call it. You  
12 get a ticket, means you're on the list to get  
13 murdered.

14 Q. Let's continue.

15 (Tape played.)

16 Q. Now, he said there are several other  
17 issues about you and me talked. What did you talk  
18 about?

19 A. If I can -- all right. The issues are  
20 about why that was done, the Javier murder. The  
21 issues -- there was a few issues out there.

22 For one, a message to the administration  
23 that if certain people weren't down there to stop  
24 certain things happening, this is what was going  
25 happen. Murders like this were going to occur.

1 Another one was that the guys sent on a  
2 mission were to be smuttet up on purpose. One of  
3 them wasn't in good standing in politics with a high  
4 ranking member in the SNM, and a couple other ones  
5 were because of chaffa charges and paperwork.

6 Q. And Mr. Perez actually communicated to you  
7 that he didn't hear one of the messages that you  
8 were talking about.

9 A. Yes. And one of the messages was that --

10 MS. DUNCAN: Your Honor, I'm going to  
11 object. This is hearsay.

12 THE COURT: Well, I think it's just as to  
13 Mr. Perez.

14 MR. CASTELLANO: And, actually, I'm  
15 referring --

16 MS. DUNCAN: Could I ask the Court to  
17 remind the jury of that limiting instruction.

18 THE COURT: Well, let me take care of your  
19 objection first.

20 MR. CASTELLANO: What I'm referring to,  
21 Your Honor, is the evidence that's already come in  
22 here up above where he says was that mission was  
23 supposed to send a message to the administration  
24 because they were starting that program. And I'm  
25 asking him whether or not Mr. Perez heard that.

1 That's it.

2 THE COURT: And I think I'll overrule the  
3 objection.

4 All right. Again, these are just  
5 conversations with Mr. Perez, so you can only use  
6 this testimony and evidence as it relates to your  
7 discussions and deliberations as to Mr. Perez and  
8 not any other defendant.

9 Why don't we take our second morning  
10 break. I think it's a little early for lunch, so  
11 why don't we take our break and take a late lunch.

12 All right. We'll be in recess for about  
13 15 minutes. All rise.

14 (The jury left the courtroom.)

15 THE COURT: All right. We'll be in recess  
16 for about 15 minutes.

17 (The Court stood in recess.)

18 (The jury entered the courtroom.)

19 THE COURT: All right. Everyone be  
20 seated.

21 All right. Mr. Cordova, I'll remind you  
22 that you're still under oath.

23 Mr. Castellano, if you wish to continue  
24 your direct examination of Mr. Cordova, you may do  
25 so at this time.

1 MR. CASTELLANO: Thank you, Your Honor.

2 THE COURT: Mr. Castellano.

3 BY MR. CASTELLANO:

4 Q. Mr. Cordova, let's start where we left off  
5 here on Exhibit 180. I just wanted to make sure you  
6 and Mr. Perez had spoken about a few issues, but  
7 then when you raised the issue about the  
8 administration, he told you that he actually hadn't  
9 heard that message; is that correct?

10 A. Just the part that -- about the program.

11 Q. Okay.

12 A. It was the part about him starting an RPP  
13 Program for drop-out gang members. And what that  
14 would do to us is take us -- a little bit of power  
15 away from us.

16 Q. Why would that be?

17 A. Because our own people could only go to  
18 general population with us, and they could only be  
19 around us. So we felt we were losing a stronghold  
20 of that, that someone can slip up and break the  
21 rules and then run away from us. And we felt better  
22 control when we can be all together. That way if  
23 anybody messed up within the family, they're going  
24 to answer for their discretions against the onda.

25 And that's why we felt, what we said, that

1 program is a bad thing, because now brothers, if  
2 they feel that the confinement of being a gang  
3 member is too harsh for them, they can just say you  
4 know what? I don't want to be a gang member no more  
5 and walk away and go to a line. And some people  
6 will do that and some people won't, but we didn't  
7 like it.

8 Q. What does that mean, to go to the line?

9 A. Go to the line is to get general  
10 population privileges like regular inmates.

11 Q. You had mentioned earlier, so if you get  
12 validated as an SNM Gang member, the best you could  
13 do is Level 4?

14 A. Yes, sir.

15 Q. So if you go back to the line, can you do  
16 better than Level 4 and possibly get better living  
17 conditions?

18 A. Yes, sir.

19 Q. Let's continue with this recording.

20 (Tape played.)

21 Q. Okay. There are a few things here. The  
22 first is this discussion about addiction clouding  
23 people's minds. Was there ever a concern or  
24 criticism of leaders because of drug use and making  
25 bad decisions?



1 A. Yes, sir.

2 Q. And who is Arturo?

3 A. Arturo is Arturo Garcia, Chopper, SNM  
4 member of the organization.

5 Q. And when Mr. Perez says, "I'm going to get  
6 off this floor a little bit, Brother," why would he  
7 be on the floor?

8 A. Because we were underneath the bunk  
9 talking through the vents of the heater.

10 Q. I'm going to turn your attention to  
11 Government's Exhibit 182.

12 MR. CASTELLANO: And, Your Honor, this is  
13 a transcript between Mr. Perez and Mr. Cordova. And  
14 at this time I move the admission of Government's  
15 Exhibit 182.

16 THE COURT: All right. Any other  
17 discussion on 182?

18 MS. JACKS: No, Your Honor. But we would  
19 request a limiting instruction.

20 THE COURT: All right. Government's  
21 Exhibit 182 will be admitted into evidence.

22 (Government Exhibit 182 admitted.)

23 THE COURT: And, again, this is a  
24 conversation or evidence that you can only consider  
25 and use in your deliberations against Mr. Perez and

1 not against any of the other defendants.

2 BY MR. CASTELLANO:

3 Q. Okay. Let's begin with the recording.

4 (Tape played.)

5 Q. Do you know who the two who were charged  
6 and the two who weren't charged?

7 A. Yes, sir.

8 Q. Who were the two that were charged?

9 A. The two that were charged were Jerry  
10 Armenta and Jerry Montoya.

11 Q. And who were the two who weren't charged?

12 A. Timothy Martinez and Mario Rodriguez.

13 Q. Did you know if Mario Rodriguez had been  
14 charged with any crimes from the Molina incident?

15 A. No one knew at that time. I didn't know.

16 Q. Well, do you know whether or not he was  
17 charged with the murder initially?

18 A. I knew he was charged with RICO, and it  
19 could have been leading to acts of that murder.

20 Q. What about when it was a state case?

21 A. When it was a state case, I believe I  
22 guess he wasn't charged.

23 Q. That's your understanding?

24 A. Yes, sir.

25 Q. Okay. Let's continue.

1 (Tape played.)

2 Q. Do you know what he said? It looks like  
3 Karon, K-A-R-O-N, on the transcript. Did you catch  
4 that word that he said that?

5 A. It's Colorado. It could have been a code  
6 word that he knew about some other brother, and  
7 we're just --

8 Q. Did you know what he meant when he said  
9 that word? Was it just someone else who told him  
10 something?

11 A. Yes, it was another brother that told him  
12 something, probably just didn't want to -- make sure  
13 he wanted to say the right name or --

14 Q. Let's continue.

15 (Tape played.)

16 Q. Okay. Is this the same Kreaper who is  
17 Jerry Armenta?

18 A. Yes, sir.

19 Q. And is JR Jerry Montoya?

20 A. Yes, sir.

21 Q. And at this point, is there talk then by  
22 Mr. Perez about having seen paperwork related to  
23 them?

24 A. Yes, sir. They're talking about it.

25 Q. And was that uncommon to get, once again,

1 paperwork from some case or investigation?

2 A. It's the Javier Molina murder.

3 Q. And let's continue.

4 (Tape played.)

5 Q. What does it mean when he says he kind of  
6 threw rollo at Red?

7 A. He threw rollo at Red means was talking  
8 with Red. Rollo is just talking.

9 Q. Let's continue.

10 (Tape played.)

11 Q. What were you talking about there? You  
12 said, "that's why I'm telling you, that's what I'm  
13 talking to you about."

14 A. Because Baby G was real close with a  
15 certain individual that was a high ranking SNM  
16 member at the time.

17 Q. Who was he close to?

18 A. Anthony Ray Baca, Pup.

19 Q. And when it talks about dropping the  
20 charges in Cruces, were you aware that the state  
21 charges were dropped when the federal charges came  
22 about?

23 A. That's what they were saying. No one  
24 really knew that there was a fed case coming. We  
25 didn't know we were getting RICO'd. And at that

1 time, the state charges had been dropped, and people  
2 were kind of like, hmm, what's going on there?

3 Q. Let's move to the next recording. It's  
4 Exhibit 184 involving Mr. Perez and Mr. Cordova.

5 MR. CASTELLANO: So at this time, Your  
6 Honor, I'd move the admission of Government's  
7 Exhibit 184.

8 THE COURT: Any other discussion on that?

9 MR. VILLA: No, Your Honor.

10 THE COURT: All right. Government's  
11 Exhibit 184 will be admitted into evidence.

12 (Government Exhibit 184 admitted.)

13 MS. JACKS: And, Your Honor, again we  
14 would request a limiting instruction.

15 THE COURT: All right. Mr. Castellano has  
16 indicated this is just a conversation, another  
17 record conversation with Mr. Perez. So you cannot  
18 use this discussion as evidence against any of the  
19 other gentlemen, you can only use it in your  
20 discussion of the charges against Mr. Perez.

21 BY MR. CASTELLANO:

22 Q. Okay. Let's begin.

23 (Tape played.)

24 Q. All right. So if they go to court and  
25 testify against them, they are going to get them,

1 you know what I mean?

2 A. Yes.

3 Q. What does that mean?

4 A. That means that they were going to try to  
5 move on them in the courtroom. Either that, or that  
6 the federal government was going to convict them.  
7 So it was probably two things there, you know what I  
8 mean?

9 Q. So if these individuals go to court, what  
10 do the rules of the SNM require should happen to  
11 them?

12 A. They should get murdered.

13 Q. Okay. Let's continue.

14 (Tape played.)

15 Q. Okay. What is Mr. Perez telling you here  
16 about some other case?

17 A. He's telling me about another case that  
18 happened, I guess a similar case where some  
19 individuals had flipped and decided to testify for  
20 the federal government. And they gave, I guess, his  
21 cousin and some other guys 20 years in federal  
22 prison for what -- for their testimony.

23 Q. When he says, "If we could have found that  
24 puta, Michael Ray, that testified against him, my  
25 primos would have never done a day, Dog."

1           A.     Yes.   In other words, what he's stating  
2     there is that if they could have found him and  
3     murdered him before he got a chance to testify, they  
4     would have never gotten a day.   And basically more  
5     or less that's what we're talking about, is those  
6     three individuals, if they can get a chance during a  
7     court hearing or court, and get them, to murder  
8     them, that way, they couldn't testify against the  
9     onda.

10                Because to our understanding is we don't  
11     want a RICO Act.   We don't want the federal  
12     government interfering with our business because it  
13     makes harder than what we already have it.   And we  
14     didn't want the FBI coming in and breaking up what  
15     we were trying to put together.

16           Q.     Let's continue with the recording.

17                (Tape played.)

18           Q.     Once again, there is a reference here to  
19     Jesse Sosa.   Who is he?

20           A.     That's the individual we were talking  
21     about before, that Javier Molina had ratted on or  
22     given up information to authorities about, about a  
23     robbery.

24           Q.     Is Mr. Perez telling you that he actually  
25     didn't see the paperwork but that he'd heard about

1 it?

2 A. Yes, after the fact. After, I guess, the  
3 guy was murdered, that's when it all came out that  
4 the guy needed to get murdered because he was a rat.

5 Q. Let's continue.

6 (Tape played.)

7 Q. Is this the same Croc you referred to  
8 earlier, who was in the same pod with BB?

9 A. Yes, sir. That's Crocodile, Jesse  
10 Sedillo.

11 Q. That wasn't taken care of the year before?

12 A. Yes.

13 Q. Let's continue.

14 (Tape played.)

15 Q. You said that had something to do with  
16 that viaje?

17 A. Yeah. He was thinking it had something to  
18 do with it. Somehow Javier, whether a message was  
19 passed because Archie's boy was assassinated by  
20 another SNM Gang member in the streets.

21 Q. Who is Archie?

22 A. Archie is Mauricio. I really don't know  
23 his last name. Mauricio --

24 Q. That's okay. You know his first name is  
25 Mauricio?



1 A. Yes, sir.

2 Q. What does it mean when he says something  
3 to do with that viaje? What's a viaje?

4 A. A viaje, it's like something to do with  
5 that stuff. Viaje could be that stuff or -- it's --  
6 viaje is something. Basically viaje is something,  
7 Spanish for something. So when he's saying that  
8 viaje, he's saying whatever occurred with Archie's  
9 son, because Archie's son had been assassinated in  
10 the streets, had been shot to death by another SNM  
11 Gang member.

12 Q. Let's continue.

13 (Tape played.)

14 Q. "Yes, you know how I would have done it."

15 You said, "How would you have done it?"

16 And he said, "I'd give him a" --

17 A. "A doble."

18 Q. "A doble."

19 A. A doble is an overdose, it's a hotshot.

20 Because the vato used a lot of drugs, so they

21 figured just give him a hotshot.

22 Basically that's where SNM's stillo is.

23 We try to do things as much as clean as possible, so

24 that way law enforcement ain't onto our business.

25 Because the things we do, we try to keep them very

1 secretly, because we know the things we do could get  
2 us prosecuted in federal court.

3 Q. Let's continue.

4 (Tape played.)

5 Q. "They switched them" -- did you hear what  
6 he said here?

7 A. The mensaje in Cruces.

8 Q. And what was the mensaje or the message  
9 that was switched in Cruces?

10 A. I guess why he was supposed to be  
11 murdered.

12 Q. Let's continue.

13 (Tape played.)

14 Q. Is this the dirty laundry you talked about  
15 earlier?

16 A. Yes. His charges, yes, sir.

17 Q. Let's continue.

18 (Tape played.)

19 Q. Okay. At that time what is Mr. Perez  
20 telling you about the time they took his pieces from  
21 his walker and being sick?

22 A. What do you mean?

23 Q. Right here he says, "I just got there. I  
24 just got out of the hole" or "hold, I was real  
25 sick." Was he sick at that time?

1           A.     When he got out of the hole, I can't  
2 recall.

3           Q.     And what is he telling you here, though?  
4 "I just got out of the hole, I was real sick."

5           A.     I guess that's what he means. He just got  
6 out of segregation. Whatever he had to go to Seg  
7 for, do Seg time for, a disciplinary report, got out  
8 of the hole and was sick.

9           Q.     Okay. So if he was sick, was he able to  
10 physically participate in this murder?

11          A.     No.

12          Q.     And he told you here he was sick. Did he  
13 mention being scared?

14          A.     No.

15          Q.     Okay. Let's continue.

16                   (Tape played.)

17          Q.     So in other words, if physically you can't  
18 participate in this murder, what do you do?

19          A.     That's what he said he said. He said  
20 physically, I couldn't participate in putting in  
21 work, so I had to do my part. And I had to give up  
22 the fierros to make the shanks out of the walker.  
23 That way -- because he's doing his part. He's doing  
24 his part.

25                   MR. VILLA: Objection, Your Honor.

1 Speculation.

2 THE COURT: Lay some foundation as to how  
3 he knows this.

4 BY MR. CASTELLANO:

5 Q. Okay. Mr. Cordova, do you see where he  
6 says, "everybody has to do their part?"

7 A. Yes, he states it right there. He says --

8 THE COURT: Just a second. Lay the  
9 foundation.

10 Q. Do you see where he says, "everybody has  
11 to do their part"?

12 A. Yes, sir.

13 Q. So are you speculating, or has he just  
14 told you that he feels like he needs to do his part?

15 A. No. He said --

16 MR. VILLA: Your Honor. There is  
17 different meanings to what that is. It could be to  
18 keep quiet.

19 THE COURT: He can give his understanding  
20 of it. Then you can deal with it on cross. So  
21 let's limit it to his understanding of what Mr.  
22 Perez said.

23 THE WITNESS: In the SNM organization,  
24 everybody has a part. It starts from the llavero;  
25 it starts from the top, from the jefe; to the tabla,

1 to the llaveros, to the soldiers. And we were  
2 soldiers. Physically, he couldn't put in work, so  
3 he did what he could for the carnals.

4 BY MR. CASTELLANO:

5 Q. Let me ask you this: When he says,  
6 "Physically I wasn't able to, but we all have to do  
7 our part."

8 A. Yes, that's what he means. He says  
9 physically, he was probably sick, had a cold or  
10 whatever was wrong with him, and he couldn't do it  
11 physically. So he did what he could for the  
12 brothers by producing the shanks to kill Javier  
13 Molina.

14 MR. VILLA: Your Honor, that's  
15 speculation. That's not what the testimony in this  
16 trial is.

17 THE COURT: Overruled.

18 BY MR. CASTELLANO:

19 Q. Let's continue.

20 (Tape played.)

21 Q. Did you hear what he said about flojas?

22 A. Flojas is stranding; can't leave the  
23 brother flojas. And that is one of the rules in the  
24 SNM organization; is you can't leave a brother  
25 flojas, stranded during a mission, because that is a

1 death sentence in the SNM.

2 Q. So, in other words, was he following the  
3 rules? He couldn't leave them flojas; he couldn't  
4 leave them without shanks?

5 A. Yes, sir.

6 Q. Let's continue.

7 (Tape played.)

8 Q. He says, "That vato, the one who ratted on  
9 the muerte." What's a muerte?

10 A. Muerte is Spanish for murder.

11 Q. Okay. Let's continue.

12 (Tape played.)

13 Q. There has been a discussion here about  
14 Jesse, which Jesse is this?

15 A. That's Jesse Sosa that time.

16 Q. Okay. Let's continue.

17 (Tape played.)

18 Q. Do you know what Mr. Perez is talking  
19 about here?

20 A. Yes. He's talking about Crocodile, Jesse  
21 Sedillo, that he was back around some of the  
22 brothers. And it was an issue about why the Molina  
23 murder didn't happen a year prior to that, why he  
24 didn't get killed before that. And it was an issue.  
25 And more than likely, Jesse Sedillo is going to have

1 to answer for that. Probably more than likely, they  
2 were going to kill him, too.

3 Q. Let's continue.

4 (Tape played.)

5 Q. Is this the same Spider known as David  
6 Calbert?

7 A. Yes, when he says he's going to have to  
8 address that issue meaning that --

9 MS. DUNCAN: Your Honor, this is  
10 nonresponsive as to Spider.

11 THE COURT: Overruled.

12 BY MR. CASTELLANO:

13 Q. Go ahead.

14 A. He's going to have to stab BB or Croc for  
15 not taking care of the mission a year prior to that.  
16 So that's what he means when he says he's going to  
17 have to address that issue. Spider was going to hit  
18 him, was going to move on him.

19 Q. Let's continue.

20 (Tape played.)

21 Q. When you say Archie went down there,  
22 papeles, no? There's a word next to it which says  
23 papers. Does papeles mean papers?

24 A. Yes, it's Spanish for papers. It's  
25 papeles, Spanish for paperwork, for paperwork on

1 people that rat on other people.

2 Q. Okay. Let's continue.

3 (Tape played.)

4 Q. Do you know what he's talking about when  
5 he talks about none of them deserving the right to  
6 say anything?

7 A. In other words, I guess they maybe haven't  
8 done as much as him or he felt he didn't deserve to  
9 call shots or tell him what to do or how to do it.  
10 You know what I mean? So in other words, he was  
11 using his intellect to determine who should have a  
12 say so, who shouldn't have a say-so on his part.

13 Q. Continue.

14 (Tape played.)

15 Q. Which tabla are you talking about?

16 A. I was trying to determine the tabla that  
17 was down there at the time of the Javier Molina  
18 murder, but he had given a different tabla. Tablas  
19 change, politics change, people change rank and  
20 position, you know, every few years; sometimes  
21 faster than that. It just depends who is in control  
22 of the ride at that time.

23 Q. When you say the tabla was there, are you  
24 referring to Southern at the time of the Molina  
25 murder, or a different time?



1           A.     I was referring to the Molina murder. But  
2 he had said some different names that was on the  
3 tabla at that time. Now, when I was there with him,  
4 so maybe he didn't catch what I was saying, and he  
5 was just talking about the tabla or the vatos that  
6 were -- or, excuse me, the guys that were in charge  
7 of the SNM organization at that time.

8           Q.     When you say those are the ones that had  
9 the final say so, as the members of the tabla, is  
10 that the way it works?

11          A.     Yes, the tabla are the gathering of  
12 people, five carnals, five brothers. And they make  
13 the decisions on big issues as far as other brothers  
14 getting murdered. Because you are not, by rules,  
15 allowed to put hands on another brother unless he  
16 has broken rules and violated policies within the  
17 SNM organization.

18                So when things like that get handed down,  
19 yes, they get handed down from the tabla to the  
20 llaveros. Then the llaveros, whatever they feel,  
21 the tabla -- they're the enforcers, put it that way,  
22 for the brothers in command. Then they hand out the  
23 brothers they feel are fit to go on those missions  
24 and that's how it gets passed down.

25          Q.     Let's continue.

1 (Tape played.)

2 Q. When he says, "Washa, baby been down 16,  
3 17, 18 years now," do you know who he's referring  
4 to?

5 A. Yes. Is it Baby?

6 Q. Right here I'm circling on the screen.

7 A. Or is it BB? Can you go back, because it  
8 might be BB, or is it Baby.

9 Q. Let's see if we can go back a little bit.

10 (Tape played.)

11 A. I think he's talking about BB in that  
12 sense. I think he's talking about BB, and what he's  
13 stating is that the guy has done no murders yet for  
14 the onda. He's done some beatings; he's put in some  
15 work, however; maybe sliced a couple of people.  
16 Made sure things have gotten done when it comes to  
17 making sure violations, people get hit, or people  
18 get beat up. And -- but, in his eyes, he felt that  
19 he had no right to be in that position in the  
20 llavero, or tabla.

21 Q. So is he basically criticizing someone in  
22 the leadership role here?

23 A. Yes, sir.

24 Q. Let's continue.

25 (Tape played.)

1 Q. What did you say there when it says, "Like  
2 me I had an out beat"?

3 A. Because I was a brother who had my bones.  
4 I've put in a lot of work for the SNM at that time.  
5 And I had an out date. So brothers would feel a  
6 candidate like me would deserve to go home. It's a  
7 privilege to go home within the SNM organization  
8 when hits are being handed out.

9 And if your record is good, then the  
10 brothers tell you, Go home, and you continue on  
11 furthering the agenda for the SNM organization on  
12 the streets. And they thought it was -- I had an  
13 out date, in other words. And brothers, we would  
14 have those discussions of going out there and  
15 putting things together for SNM.

16 Q. So when it says, the transcript says, "I  
17 had an out beat," is it actually an out date?

18 A. Yes, sir, it's an out date.

19 Q. And the out date is the date you're  
20 getting out of prison?

21 A. Yes, sir.

22 Q. I just wanted to clarify that. Let's  
23 continue.

24 (Tape played.)

25 Q. All right. If you're going to move on

1 somebody, what's the problem with letting them out  
2 the door?

3 A. You just failed your mission.

4 Q. Why?

5 A. Because it's going to get dirty now.  
6 You're going to cause a tension and it might not get  
7 done. The dude might not die. So you're not  
8 supposed to ever let -- when you go in on a mission  
9 to kill someone, you make sure you kill them.

10 And if not, brothers look down on you and  
11 discriminate against you for that, you're considered  
12 weak. And that's not something that you want to be  
13 considered within the SNM, because then you could be  
14 next on the list. If that guy is supposed to die,  
15 you better make sure he's dead. That's the way it  
16 goes.

17 Q. Let's continue.

18 (Tape played.)

19 Q. What's your understanding of who went  
20 running down the stairs?

21 A. Javier Molina had broke out of his cell  
22 and went running down the stairs, and to my  
23 understanding it was Jerry Armenta chased him.

24 Q. Okay. Let's continue.

25 (Tape played.)

1 Q. What's he telling you when he's from the  
2 old school and he got schooled right?

3 A. Because we always have a motto within the  
4 SNM, "keep it old school." And the new school gangs  
5 are not -- are not like all SNM is. SNM, we're  
6 killers, we're people that are -- we're old school.  
7 We have old rules, old mottos, and we still abide by  
8 them. That's the way it will stay till -- SNM will  
9 always exist. That's why we stay old school. And  
10 you'll be schooled right and things will get done.  
11 That's the way it goes.

12 Q. That's what Mr. Perez is telling you, is  
13 that he got schooled right?

14 A. Yes. In other words, he will never rat,  
15 he will never talk about business that ain't  
16 supposed to be talked about, and he'll keep it old  
17 school and keep his mouth shut.

18 Q. Let's continue.

19 (Tape played.)

20 Q. What are you saying there about JR  
21 getting, is it a ban or a brand?

22 A. It's a tattoo. It's the Zia with the SNM  
23 in it. And you have to earn that tattoo. You have  
24 to draw blood or murder somebody for the SNM tattoo.

25 And when he got it tattooed behind here,

1 brothers were like, wait a minute, he hasn't killed  
2 nobody, he hasn't stabbed nobody. Now that carnal  
3 needs to earn that. So they were mad. That's the  
4 way it goes within the SNM. You cannot get SNM  
5 tattooed on you if you have not earned your bones.  
6 And they were mad about that. So they said, he's up  
7 next, he's going to earn his bones.

8 Q. All right. Let's continue.

9 (Tape played.)

10 Q. Who is this Julian that's referred to?

11 A. It's Julian Romero. He's another brother  
12 that disrespected another brother in the process by  
13 getting out and sleeping with his wife. And  
14 therefore he was violated for that. And they almost  
15 beat him to death for that in Cruces.

16 Q. And is that what this discussion is?

17 A. That's what this discussion is right now,  
18 yes.

19 Q. And when he says on that note that you  
20 said "before they moved on Julian, that was supposed  
21 to happen, that was first on the list," do you know  
22 what was first on the list?

23 A. Javier Molina was first on the list, then  
24 Julian.

25 Q. Let's continue.

1 (Tape played.)

2 Q. Who is Ron Ron?

3 A. Ron Ron is Ronald Sanchez. That's the Ron  
4 Ron that was Rudy Perez's caretaker, would take him  
5 to medical on the wheelchair, and make sure he was  
6 taken care of.

7 Q. If you know, do you know if Ron Ron was in  
8 blue pod the day that Javier Molina was murdered?

9 A. Yes, sir, he was.

10 Q. And so you had a discussion with Mr. Perez  
11 about what Ron Ron may have told him; is that  
12 correct?

13 A. Yes, sir.

14 Q. Okay. Let's continue.

15 (Tape played.)

16 Q. What's a ruca?

17 A. A ruca is a chollo slang word for  
18 girlfriend, wife, ruca.

19 Q. And when you're talking about Styx, is  
20 this Julian Archuleta and the whole incident between  
21 him and Julian Romero?

22 A. Yes, it's with Archuleta, Romero. Julian  
23 got out of jail, and this was -- it took about --  
24 that's how the SNM works. It took about a good, a  
25 good 15, 14 years to catch up to him. And they

1 could never catch him. But finally they got a  
2 chance to get their hands on him. And they beat him  
3 up pretty bad, almost killed him over the incident.

4 Q. Let's continue.

5 (Tape played.)

6 Q. Was it your understanding that someone  
7 named Conrad hit Julian?

8 A. Yes. To my understanding, that was the  
9 individual, the other SNM member who moved on Julian  
10 Romero.

11 Q. Do you know Conrad's last name?

12 A. I can't tell you.

13 Q. That's okay. Let's continue.

14 (Tape played.)

15 Q. Why are you saying that's not personal?  
16 What are the reglas?

17 A. Because the rules states that you're not  
18 supposed to mess with another -- one SNM member  
19 ain't supposed to mess with another member in the  
20 organization's wife. And that's the rules. But the  
21 rules also states if it's personal like that, that's  
22 when the brotherhood can step back and them two  
23 brothers can kill each other by law within the  
24 organization.

25 Q. And when you say, "what are the reglas?"



1 What are reglas?

2 A. It's a Spanish term for rules, reglas.

3 Q. Okay. Let's continue.

4 (Tape played.)

5 Q. What's this deal with a person named  
6 Bishop? Up on top, he says, "I don't mean to bring  
7 up the past to make you mad at Bishop." He's using  
8 an example about personal versus family business.

9 A. Bishop? Can you replay that? Because he  
10 might not have been saying Bishop. It might have  
11 been -- let me see.

12 Q. Again, I'll ask you about someone named  
13 Evil or called Evil as well.

14 (Tape replayed.)

15 Q. Were you able to catch that?

16 A. At that time he's talking about another  
17 SNM member. I had a dispute with another SNM  
18 member, and that was the charge that I was charged  
19 for aggravated battery on a household member. My  
20 wife and another member of the SNM had started  
21 getting involved with each other romantically and it  
22 was going to cause problems and issues within the  
23 family. And that's what he's relating to. He's  
24 relating to the way I took care of it. And the way  
25 I took care of it was by taking care of her. And I

1 beat her very severely and badly over the incident.

2 And that's what he's talking about there.

3 Q. That's why he says he doesn't mean to  
4 bring up the past, he's talking about you  
5 specifically?

6 A. He's talking about me specifically and my  
7 same personal issue between another member of the  
8 organization messing around with my wife. And the  
9 way I took care of it was quite different. Because  
10 with the Julian and Styx situation, brothers got  
11 murdered over it, brothers got stabbed over it.  
12 There was divisions, it was a mess. It was a bloody  
13 war.

14 Q. And then what is this deal with someone  
15 called Evil?

16 A. Evil is, who I think he's talking about is  
17 Evil from Farmington. I don't think it was Evil  
18 from Barelás. There is two Evils in the SNM  
19 organization. One of them is Randy something; the  
20 other one is -- I'm trying to think of his name. I  
21 can't remember. But I'm pretty sure it was Evil  
22 from Farmington. Because at that time that's who  
23 was in the system with us, was that Evil. I'll  
24 remember his name, but I can't -- I can't recall it.  
25 I'm sorry about that.

1 Q. Let me ask you about the next part, which  
2 is there's talk about disrespecting a carnal, a good  
3 brother. How does respect work in the SNM?

4 A. He was telling the brother that had  
5 disrespected me, F them, that he had disrespected a  
6 good brother, which was me, by doing that, by  
7 messing around with my wife.

8 And I guess Evil was there. Evil had  
9 asked him, What's wrong, carnal? And he told them,  
10 that vato right there disrespected the little  
11 brother Shadow, Little Shadow. And fuck that. I'm  
12 sorry, excuse my language, F that dude.

13 So basically at that time -- this is how  
14 politics work within the SNM. When people start  
15 messing up, we throw as much things at them as can  
16 stick mentally while we're in lockup. And some  
17 individuals, they break and they'll PC on their own.  
18 And that's exactly what happened with that  
19 individual.

20 As time came, he went down to Southern New  
21 Mexico Correctional Facility and he admitted to the  
22 STIU that he had problems with me because over a  
23 situation with drugs and my wife. And it was  
24 problems. And I was down there, so STIU, they're  
25 smart enough to know, hey, this guy wants protective

1 custody or he just don't want to be down here. So  
2 at that time they locked him up. And there was --

3 MS. JACKS: Objection, Your Honor. This  
4 appears to be another narrative.

5 A. That's what it was.

6 THE COURT: All right. Break it up.

7 THE WITNESS: Sorry about that.

8 BY MR. CASTELLANO:

9 Q. And then with -- so are there times, then,  
10 when you want to get rid of somebody, you can do it  
11 without violence by making them PC and get out of  
12 the pod?

13 A. Yes, if you're -- there is, yes. There is  
14 some members that are real cunning, real twisting,  
15 conniving with their words, and they will politic  
16 against another brother until he breaks mentally.

17 Q. At that point the problem is solved,  
18 right, they're out of there?

19 A. Yes, sir.

20 Q. Let's continue with the recording.

21 (Tape played.)

22 Q. Now, when Mr. Perez tells you that he's  
23 "solid," what is he telling you?

24 A. That means he won't break for nothing,  
25 that means he's solid. He won't break. He won't

1 ever break the SNM rules and he will stick to the  
2 SNM code of silence and whatever else is expected of  
3 him.

4 Q. Okay. Let me turn your attention to  
5 another recording between you and Mr. Perez. It's  
6 Government's Exhibit 186.

7 MR. CASTELLANO: And at this time, I'd  
8 move the admission of Government's Exhibit 186, Your  
9 Honor.

10 THE COURT: Any further discussion on  
11 that, Mr. Villa?

12 MR. VILLA: No, Your Honor.

13 THE COURT: All right. Government's  
14 Exhibit 186 will be admitted into evidence.

15 (Government Exhibit 186 admitted.)

16 MS. JACKS: And again, Your Honor, we  
17 would request the limiting instruction.

18 THE COURT: And this does look like  
19 another conversation with Mr. Perez, so you can only  
20 use this as evidence in your deliberation as to the  
21 charges against Mr. Perez and not use it against any  
22 of the other three gentlemen.

23 BY MR. CASTELLANO:

24 Q. Okay. Let's begin.

25 (Tape played.)

1 Q. Do you know what Mr. Perez is referring to  
2 about, "we left a little piece getting bulky"? Do  
3 you remember that conversation?

4 A. Yes, I know I had it. Let me see. What  
5 he's talking about is a hiccup, a mess up within the  
6 onda, leave a little piece or leaving bulky, it's  
7 like kind of saying that we do, we're supposed to do  
8 things quick and clean when it comes to murders.

9 Q. On this one here, it starts mid sentence.  
10 So is this what you're talking about, sometimes you  
11 might be talking, you think something important  
12 might come up, and then you turn on the recording?

13 A. Yes, sir.

14 Q. Let's continue.

15 (Tape played.)

16 Q. Okay. What is this conversation about  
17 here?

18 A. He's stating -- again, he's saying, when I  
19 talk to you, it's de recha. Because there is  
20 brothers that don't trust other brothers in the  
21 organization. There is no true loyalty within the  
22 SNM. So you've got to be real careful on how you  
23 talk to people when you're politicking, because it  
24 can get you murdered. Or certain things you say, it  
25 can use it to politic against you in the future, if

1 they don't -- you know, if guys have fallout.

2 So what he's saying here is when I talk to  
3 you, I talk to you straight, like a brother. There  
4 is no barriers. We're truthful with each other.  
5 And that's what he's stating.

6 Q. And when you tell him "it stays at the  
7 borderline," what are you telling him?

8 A. In other words, those won't get crossed.  
9 We won't -- don't worry about it. What he says  
10 stays with me, and wouldn't cross over to other  
11 brothers' mouths or ears. And if there is ever  
12 politicking involved, this conversation will never  
13 come up.

14 Q. Okay. Let's continue.

15 (Tape played.)

16 Q. Okay. Mr. Cordova, this is Government's  
17 Exhibit 188. It's a conversation between you and  
18 Rudy Perez.

19 MR. CASTELLANO: At this time, Your Honor,  
20 I move the admission of Government's 188.

21 THE COURT: Any further discussion on 188?

22 MR. VILLA: No, Your Honor.

23 THE COURT: All right. Government's  
24 Exhibit 188 will be admitted into evidence.

25 (Government Exhibit 188 admitted.)

1 MS. JACKS: And again, Your Honor, a  
2 limiting instruction, please.

3 THE COURT: Again, this appears to be a  
4 conversation with Mr. Perez. So you can only use  
5 this evidence in your deliberations of the charges  
6 against Mr. Perez and not in your deliberations or  
7 consideration of the charges against the other three  
8 gentlemen.

9 Mr. Castellano.

10 MR. CASTELLANO: Thank you, Your Honor.

11 BY MR. CASTELLANO:

12 Q. At this time we'll begin Government's  
13 Exhibit 188.

14 (Tape played.)

15 Q. What's going on at this point, where there  
16 is clanging and background noise, if you remember?

17 A. The CO might be coming around opening the  
18 food ports to pass out chow, or yard, or showers.  
19 It could have been a number of things.

20 Q. What's the discussion about Kreaper and  
21 making sure he's out of the pod?

22 A. Well, what should have been -- well, he's  
23 explaining his version of how things should have  
24 been done cleaner. In other words, if they knew  
25 there was someone that wasn't worth a crap like



1 that, they should have either killed him or smashed  
2 him, got him out of the pod and then did the murder.  
3 That way there would have been no telling, there  
4 would have been no snitching.

5 Q. Continue.

6 (Tape played.)

7 Q. When he talks about cooking up a whole  
8 batch in his room, what does that refer to? He's  
9 going to be cooking up a whole batch in his own  
10 room, dawg?

11 MS. DUNCAN: Your Honor, can we approach  
12 for a moment?

13 THE COURT: You may.

14 (The following proceedings were held at  
15 the bench.)

16 MS. DUNCAN: I just want to be careful  
17 about this because we've redacted a portion of this  
18 that refers to Mr. Baca. And I know you've heard  
19 discussions about Mr. Baca. I'm not sure what the  
20 Government is intending to elicit.

21 THE COURT: What's the answer here?

22 MR. CASTELLANO: I'm not sure. I thought  
23 it was about them preparing the drugs in the cell.  
24 I could have that wrong.

25 MS. DUNCAN: I wasn't sure.

1 THE COURT: Why don't you lead him through  
2 this. If he gives you the answer on the cell, then  
3 you've got your answer. If you don't get it, why  
4 don't you move on.

5 MR. CASTELLANO: I agree. It's not  
6 critical. And if he doesn't have the answer, I'll  
7 move on.

8 MS. DUNCAN: Thank you.

9 (The following proceedings were held in  
10 open court.)

11 THE COURT: All right. Mr. Castellano.

12 MR. CASTELLANO: Thank you, Your Honor.

13 BY MR. CASTELLANO:

14 Q. If you know, Mr. Cordova, when there is  
15 talk about cooking up a whole batch in the room, do  
16 you know if they're talking about the drugs they  
17 were preparing in Javier Molina's cell?

18 A. Yes, it could have been that.

19 Q. Okay.

20 A. That's basically what I think we were  
21 talking about.

22 Q. Okay. Let's continue.

23 (Tape played.)

24 Q. Okay. Do you know what he's talking about  
25 when he refers to Fred Dog?

1 A. Yes.

2 Q. What is that?

3 A. He's talking about Fred Dog that was  
4 murdered by the organization, because Fred Dog was a  
5 rat.

6 Q. Okay. Let's continue.

7 (Tape played.)

8 Q. Do you know who Baby Rabs is?

9 A. Yes, Tommy Valdez; he's another member of  
10 the SNM organization.

11 Q. When you say Baby Conejo, who are you  
12 referring to?

13 A. Same thing, Baby Rabs. Conejo is just  
14 Spanish for rabbit.

15 Q. And then when you talk about the guys  
16 being in the feds, are you talking about them being  
17 in federal prison or getting charged federally?

18 A. Getting charged federally.

19 Q. And is that a result of -- since this is  
20 shortly after the roundup in this case, the first  
21 charge -- set of charges; is that what you're  
22 talking about?

23 A. I'm pretty sure that's what we're talking  
24 about.

25 Q. And then before we continue, you say

1 "another cut up a jura, too." What is a jura?

2 A. A jura is a cop.

3 Q. Let's continue.

4 (Tape played.)

5 Q. What are you talking about with the inner  
6 prison mail and Arturo?

7 A. There was another Arturo, and he was very  
8 outspoken about him being in command. He didn't  
9 care about administration, about STIU. And he would  
10 send things through inner prison mail on hits or  
11 hits that had been done, taking credit for things  
12 that he had did. He had liked to brag within the  
13 SNM. Sooner or later, that's why brothers were  
14 starting to get tired of him towards the end and  
15 they wanted to remove him from his power.

16 Q. Let's continue.

17 (Tape played.)

18 Q. Okay. Who are Pancho and Looney?

19 A. Pancho and Looney were two members that  
20 were assassinated by the SNM organization.

21 Q. And were they also members?

22 A. Yes, they were members. They were members  
23 of the SNM organization, but Wild Bill thought they  
24 needed to be removed from the organization so they  
25 removed them and killed them.

1 Q. Let's continue.

2 (Tape played.)

3 Q. What do you mean when you give someone  
4 sopa, you get close to them and you handle business?

5 A. It's a prison term we use, because sopa,  
6 it's a soup; it's a canteen, item out of the  
7 canteen. And in the SNM, your killers come with  
8 smiles. They don't argue with you. They don't sit  
9 there -- it's not the movies. They embrace you as  
10 your brother, Hey, carnal, washa brother, and then  
11 they kill you. That's the way it goes within the  
12 SNM organization. That's policy.

13 If you sit there and argue with someone  
14 that's supposed to be hit, then they'll call you a  
15 rat. Why? Because you're letting the guy know --

16 MS. JACKS: Objection, narrative.

17 THE COURT: Why don't you break it up with  
18 a question.

19 BY MR. CASTELLANO:

20 Q. And so when Mr. Perez says he was giving  
21 Trigger squina, what is he referring to?

22 A. What he means is probably he was giving  
23 him squina, backing his play for whatever reasons.  
24 But I think Trigger couldn't come out yet, so he  
25 wasn't out in the open. And what I think they were

1 just trying to do was make him think it was okay.  
2 As then as soon as they came out, they would kill  
3 him, too. That way there wouldn't be no telling on  
4 that situation.

5 Q. Okay. Let's continue.

6 (Tape played.)

7 Q. When he says "the program," is that the  
8 dropout program?

9 A. Yes, sir.

10 Q. Okay. Let's continue.

11 (Tape played.)

12 Q. When he says "Even later on, I still had  
13 to do work on the streets, eh." What does he mean?

14 A. Even after he earned his bones, he still  
15 stayed going, he still stayed putting in work, and  
16 that's what should be expected of all the brothers.

17 Q. And "on the streets," is that inside a  
18 prison or outside a prison?

19 A. No, that's in the -- that's in the world,  
20 in the streets, free world.

21 Q. Okay. Let's continue.

22 THE COURT: Mr. Castellano, would this be  
23 a good time for us to take a lunch break?

24 MR. CASTELLANO: Sure, Your Honor.

25 THE COURT: All right. We'll be in recess

1 for about an hour, or whatever we need to get things  
2 done over the lunch hour.

3 (The jury left the courtroom.)

4 THE COURT: All right. We'll be in recess  
5 for about an hour. We'll see if our jurors can get  
6 over there and get back in that time.

7 See you then.

8 (The Court stood in recess.)

9 THE COURT: All right. Let's go on the  
10 record. Ms. Harris decided she's going to wait till  
11 after work, so that's the reason we've got all the  
12 jurors here. So I think we're ready to go. While  
13 we're lining up both Mr. Cordova and also the  
14 jury -- who do you have?

15 THE CLERK: I have the jury first.

16 THE COURT: All right. Go ahead and bring  
17 the jury in. All rise.

18 (The jury entered the courtroom.)

19 THE COURT: All right. Everyone be  
20 seated. Well, I appreciate all your hard work,  
21 being back and ready to go. I know that some of you  
22 aren't feeling well. I appreciate you hanging in  
23 there and we appreciate all the hard work you've  
24 done for us.

25 All right. I brought the jury in first.

1 We'll bring in Mr. Cordova now.

2 All right. Mr. Cordova, if you'll come up  
3 and resume your place in the witness box, I'll  
4 remind you that you're still under oath.

5 THE WITNESS: Yes, Your Honor.

6 THE COURT: All right. Mr. Cordova.  
7 Mr. Castellano.

8 MR. CASTELLANO: Thank you, Your Honor.

9 BY MR. CASTELLANO:

10 Q. All right. Mr. Cordova, before the break,  
11 I think we were listening to Government's Exhibit  
12 188. And so at this point I'm going to go ahead and  
13 continue playing that recording.

14 A. Yes, sir.

15 (Tape played.)

16 Q. And which Shotgun is he referring to, if  
17 you remember?

18 A. He's -- I'm pretty sure it's Eddie Ortega.  
19 He's another member of the SNM organization.

20 Q. And do you know Arturo Garcia also  
21 identified as Shotgun?

22 A. Yes. But it wasn't Arturo Garcia.

23 Q. This is a different Shotgun?

24 A. Different Shotgun.

25 Q. You said, "When you're asking about



1 Joker," you said, Hey, remember with Joker, remember  
2 we were rapping about"?

3 A. Yes, he was -- I think, to be correct, his  
4 name was Adolph Chavez. And he was murdered on the  
5 streets. He was assassinated. It was an ambush.  
6 And it still wasn't solved, so no one really knew  
7 what happened.

8 Q. Let's continue.

9 (Tape played.)

10 Q. Do you know who he's referring to when he  
11 talks about Little Leonard, the guy who shot him?  
12 Do you know that person?

13 A. Not personally; reputation, he's a  
14 former -- or he is an LC Gang member. He's a rival  
15 prison gang member.

16 Q. Okay. Let's continue.

17 (Tape played.)

18 Q. When you're asking about other LCers out  
19 there, who are LCers?

20 A. LCer was a rival prison gang that was on  
21 the prison yards before us. And SNM took over the  
22 prison yards from them by running them off the line,  
23 stabbing them, murdering them, getting them off the  
24 prison lines, and we took over.

25 Q. Okay. After you finished recording,

1 taking the recordings of Mr. Perez, were you also  
2 placed next to Carlos Herrera?

3 A. Yes, sir, I was.

4 Q. And before we get to those recordings, I  
5 want to ask you about any of the benefits you may  
6 have received in this case from being a confidential  
7 human source.

8 Do you recall being signed up by the FBI  
9 as a confidential human source?

10 A. Yes, sir.

11 Q. And do you recall that so far -- well,  
12 that you were paid \$650 in CHS services?

13 A. Yes, sir.

14 Q. And about \$100 worth of food, in terms of  
15 what's been credited to your account?

16 A. Yes, sir.

17 Q. And approximately \$200 in phone expenses?

18 A. Yes, sir.

19 Q. And if you're aware -- I'll skip that. So  
20 this is a total of about \$950; is that correct?

21 A. Yes, sir.

22 Q. Now, in addition to the money you  
23 received, have you been charged in this case?

24 A. No, sir.

25 Q. Also as part of your cooperation, did you

1 agree with Agent Acee to help provide gang training  
2 to law enforcement personnel?

3 A. Yes, sir.

4 Q. As well as to youthful offenders?

5 A. Yes, sir.

6 Q. As part of your cooperation, were you  
7 allowed tier time at the Level 6 facility?

8 A. Yes, sir.

9 Q. And being at the Level 6, were you given  
10 Level 4 privileges? Or what was your understanding  
11 of how that worked?

12 A. It was RPP status. I was waiting to go to  
13 the RPP Program. And I was just -- basically the  
14 privileges that RPP inmates received at the time.

15 Q. And as part of your cooperation, were you  
16 moved up the list in order to get to the RPP Program  
17 faster?

18 A. Yes, sir.

19 Q. What about phone calls?

20 A. Yes, I got phone calls as an RPP inmate, a  
21 lot more phone calls.

22 Q. And the contact visits?

23 A. Yes, sir, I received contact visits.

24 Q. And were you one of the people who was  
25 present for a holiday party in which you were served

1 pizza and drinks?

2 A. Yes, sir, I was.

3 Q. Who was allowed to attend that party?

4 A. My family.

5 Q. In terms of the contact visits, what were  
6 the normal rules for the contact visits?

7 A. The normal rules for the contact visits  
8 was sit across from your family, one kiss before,  
9 one kiss when you leave, and you can hold hands  
10 during the visit.

11 Q. And can you tell the members of the jury  
12 whether you abused those privileges?

13 A. Yes, I did abuse those privileges.

14 Q. How did you do that?

15 A. I had sexual relations with my wife in the  
16 visiting room.

17 Q. Who else was present in the room when that  
18 happened?

19 A. My daughters.

20 Q. How old were they?

21 A. At the time 11 and 12 years old.

22 Q. Now, by having sex with your wife, how did  
23 that actually happen?

24 A. I took advantage of the privileges. I  
25 seen flaws in the system, and wanted to be with my

1 wife, and -- in a romantic way, and --

2 Q. How did you have sex with your wife with  
3 the children in the room?

4 A. I had her sit on my lap, and I would cover  
5 her up with one of my shirts, so that way there was  
6 nothing exposed. And I would slide down her pants a  
7 little bit, and then we would have sex.

8 Q. So that basically happened with your wife  
9 sitting on your lap?

10 A. Yes, sir.

11 Q. Now, as a result of what happened, was  
12 that discovered eventually by Corrections personnel?

13 A. Yes, sir, it was, when the cameras were  
14 reviewed.

15 Q. And what were the consequences for you in  
16 terms of the Corrections Department?

17 A. I did six months in the hole, one year  
18 loss of all privileges, phone calls, everything,  
19 canteen, all that stuff.

20 Q. Did you lose any of your good time?

21 A. Yes, I lost all good time.

22 Q. And since you were signed up as a  
23 confidential human source, were you also terminated  
24 by the FBI as a source?

25 A. Immediately, yes, sir.

1 Q. Was that in January of 2017?

2 A. Yes, sir.

3 Q. Getting back to these recordings, I want  
4 to go back to Government's Exhibit 769, which is  
5 Carlos Herrera's history, and your history. So 769  
6 is on the left, Carlos Herrera. On the right is  
7 your placement history, which is Government's 770.

8 Okay. So I think you testified earlier  
9 that from right here, January 21 of 2016 to February  
10 9 of 2016, that's when you were housed next to Rudy  
11 Perez; is that correct?

12 A. Yes, sir.

13 Q. And then from there it shows here Second  
14 District Court MDC. What is that?

15 A. It's for my manslaughter, my murder case.

16 Q. Did you then go to court for that case?

17 A. Yes, sir.

18 Q. For, it looks like, a week, the 9th  
19 through the 16th of February?

20 A. Yes, sir. I believe it was for  
21 presentence report.

22 Q. And then in February 16 of 2016 to March  
23 18 of 2016, can you see the pod that you were moved  
24 to here on the right?

25 A. Yes, sir. It was at the South, the Level

1 4, it was 2A, L Pod, cell 2.

2 Q. When you say the South, is that the PNM  
3 South facility?

4 A. Yes, it's across the street from PNM North  
5 facility, Level 6.

6 Q. What cell were you in?

7 A. I was in cell L pod, 102.

8 Q. Now, I'm turning your attention to the  
9 dates of February 16th, 2016 to April 20th of 2016  
10 for Carlos Herrera. Do you see here where he was in  
11 cell 101?

12 A. Yes, sir.

13 Q. So cell 101 and 102, were you once again  
14 neighbors with him?

15 A. Yes.

16 Q. And looking at the dates, it looks like  
17 from February 16 to March 18 you were next to him  
18 for approximately one month. Is that accurate?

19 A. Yes, sir.

20 Q. And during that time then, did you -- how  
21 did you record him?

22 A. The same way I recorded Rudy Perez. The  
23 cells are similar, set up the similar way. It was  
24 underneath the bunk through a heater vent, with more  
25 or less the same recording device, AAA batteries, an

1 on and off switch.

2 Q. Okay. Mr. Cordova, I'm going to turn your  
3 attention to Government's Exhibit 198, which is a  
4 conversation between you and Mr. Herrera.

5 MR. CASTELLANO: At this time, Your Honor,  
6 I'd move the admission of Government's Exhibit 198.

7 THE COURT: Any further discussion on  
8 that?

9 MS. JACKS: No further argument, Your  
10 Honor. We'd ask for a limiting instruction.

11 (Government Exhibit 198 admitted.)

12 THE COURT: All right. Not hearing any  
13 objection, Government's Exhibit 198 will be admitted  
14 into evidence. And I think this is a conversation  
15 with Mr. Herrera. So it can only be used in your  
16 deliberations as to the charges against Mr. Herrera  
17 and not as to the other three gentlemen.

18 MR. CASTELLANO: And for the record, we  
19 will be playing portions of that. The entire  
20 recording is being moved, though we're playing  
21 portions of it, Your Honor.

22 BY MR. CASTELLANO:

23 Q. Did you know Carlos Herrera by any other  
24 names?

25 A. Yes, Lazy.



1 Q. So sometimes in these conversations, do  
2 you refer to him as Lazy?

3 A. Yes, sir.

4 Q. Did you know him to be an SNM Gang member?

5 A. Yes, sir.

6 MR. CASTELLANO: Your Honor, we're having  
7 trouble loading 198, so I'm going to move to another  
8 exhibit right now.

9 The next exhibit is Exhibit 196, and this  
10 is also a conversation between Carlos Herrera and  
11 Mr. Cordova. So at this time I move the admission  
12 of Government's 196, Your Honor.

13 THE COURT: Any objection on this?

14 MS. BHALLA: If I can just ask the  
15 Government, what's the transcripts number, Mr.  
16 Castellano?

17 MR. CASTELLANO: The Bates stamp number?

18 MS. BHALLA: Yes.

19 MR. CASTELLANO: Is 20874.

20 MS. BHALLA: Thank you, Your Honor. No  
21 objection.

22 THE COURT: Not hearing any further  
23 objection, Government's Exhibit 196 will be admitted  
24 into evidence.

25 (Government Exhibit 196 admitted.)

1 MS. JACKS: Your Honor, I believe our  
2 objections are already on the record. We just ask  
3 for a limiting instruction.

4 THE COURT: All right. Again, the  
5 Government has indicated that this will be a  
6 recording of Mr. Herrera and so you can only use  
7 this evidence in your deliberations as to the  
8 charges against him and not against the other three  
9 defendants.

10 Mr. Castellano.

11 MR. CASTELLANO: Thank you, Your Honor.

12 BY MR. CASTELLANO:

13 Q. I'm going to go ahead and begin playing  
14 Exhibit 196.

15 (Tape played.)

16 Q. Okay. To start out, he uses the word  
17 desmadre. What does that mean?

18 A. Desmadre, that's to create chaos, to mess  
19 something up, to dismantle something.

20 Q. And why are you talking about fear or why  
21 is he talking about fear at this point?

22 A. Because we felt like the SNM was losing  
23 grips on the extortion rackets in the streets and in  
24 prisons, and the fear that people had about --

25 MS. BHALLA: Your Honor, I object at this

1 point. This is editorializing by the witness. They  
2 can play the testimony, they can play the  
3 transcripts. It's up for the jury to decide what it  
4 means. And I understand the Court's rulings on  
5 previous issues, but I'd like to make a standing  
6 objection throughout the testimony of that nature,  
7 Your Honor.

8 THE COURT: All right. Well, I'll  
9 overrule the general objection. But let's try to  
10 make sure we ask questions so that the defendants  
11 can object and make sure that it doesn't become a  
12 narrative and go into fields that they don't have a  
13 chance to object to.

14 All right. Mr. Castellano.

15 MR. CASTELLANO: Thank you, Your Honor.

16 BY MR. CASTELLANO:

17 Q. Mr. Cordova, what's the importance of fear  
18 in the SNM?

19 A. It plays a big factor. It's what helps us  
20 further the agenda of the SNM organization.

21 And what he's talking about is putting  
22 fear back in all the other street gangs and prison  
23 gangs, to respect us. Respect the SNM.

24 Q. Was there discussion among the two of you  
25 that there was a concern that there might not be as

1 much fear of the SNM as there used to be?

2 A. Yes, there was. Because of the lockdown  
3 situation of the administration taking us off the  
4 general population lines, and that the talk was  
5 taking it to the streets and keeping it out there  
6 and putting fear in people out there by any means  
7 necessary, murder, whatever.

8 MS. BHALLA: Same objection, Your Honor.

9 THE COURT: Overruled.

10 BY MR. CASTELLANO:

11 Q. Now, there's going to be discussion here  
12 of the word "ranfla." What does that mean?

13 A. It's a Spanish word for car, and that's  
14 how we describe ourselves, as a car, in prison. The  
15 group, the organization, the SNM organization, we  
16 describe ourselves as a car, a ranfla.

17 Q. So you start talking about our car at some  
18 point, you're talking about the SNM?

19 A. Yes, sir, talking about the SNM  
20 organization.

21 Q. Let's begin with the recording.

22 (Tape played.)

23 Q. So what's this talk about things happening  
24 on the streets?

25 A. He's talking about we need to get out

1 there and don't advertise it to the general public,  
2 that way we can stay under the radar, under law  
3 enforcement, but we can recruit foot soldiers from  
4 the street gangs to do our dirty work for us, like  
5 the Mexican Mafia, like the Eme.

6 Q. He's talking about enforcing reglas.  
7 That's enforcing what?

8 A. Enforcing rules of the SNM organization.

9 Q. Let's continue.

10 (Tape played.)

11 Q. Now, when there is discussion of going to  
12 different barrios and collecting, what is that  
13 about?

14 A. That's the extortion rackets. We force  
15 people to pay us for selling drugs in the  
16 neighborhoods. If not, we take them to war; we'll  
17 kill them.

18 Q. And he also talks about vatos and Califa,  
19 what is Califa?

20 A. Well, he's talking about the Mexican Mafia  
21 there and the way they handle the Surenos. The  
22 Surenos out there pay taxes to the Eme, and is what  
23 the SNM is supposed to be in New Mexico. It's  
24 supposed to be the Mexican Mafia for New Mexico,  
25 because we're hooked up and tough with them guys in

1 California.

2 Q. And when Mr. Herrera uses the term  
3 "hynas," what does that refer to?

4 A. He's talking about using women, he's  
5 talking about using girls to communicate with  
6 brothers, put them on visiting lists and send them.  
7 We can send them into the prison system to send out  
8 hits, send out to do business for us.

9 They can even go in and try to hook up  
10 with like law enforcement, when they're coming in to  
11 visit, and get them on the team; that way we can  
12 find out where they live. We can use women for all  
13 kinds of different resources; get them into the  
14 motor vehicle department --

15 MS. BHALLA: Objection, narrative, Your  
16 Honor.

17 THE COURT: Let's ask a question.

18 THE WITNESS: Sorry about that.

19 BY MR. CASTELLANO:

20 Q. Let's turn to clip number 2.

21 (Tape played.)

22 Q. What is Mr. Herrera discussing in terms of  
23 drug use and the SNM and other gangs?

24 A. He bans it. He says he don't want people  
25 using drugs because it leads us to a downfall, to

1 messing up. You know, he wants us to be structured  
2 and organized like other organizations, and how we  
3 were in the past years.

4 Q. So in his opinion that he's expressing to  
5 you, have drugs created problems for the SNM?

6 A. Yes. Just like any other prison gang,  
7 yes, it creates problems because people tend to lack  
8 discipline when they get to the streets, tend to  
9 lack structure, and they make mistakes that they  
10 normally wouldn't make when they're sober and, you  
11 know, they're clean in the mind.

12 Q. Let's continue.

13 (Tape played.)

14 Q. Earlier there is a discussion of Boo-Boo.  
15 Who is Boo-Boo?

16 A. Boo-Boo is an SNM former member of the  
17 organization; that he was a Barelano, he's from  
18 Barelans. And basically what he's talking about --

19 MS. BHALLA: Objection, Your Honor. May  
20 we approach?

21 THE COURT: You may.

22 (The following proceedings were held at  
23 the bench.)

24 MS. BHALLA: I just want to make sure you  
25 guys aren't trying to elicit testimony about Carlos'

1 involvement in the --

2 MR. CASTELLANO: No.

3 THE COURT: Why don't you cut him off.

4 Cut him off and lead him through this so we don't  
5 get --

6 MR. CASTELLANO: I only asked who he was,  
7 Your Honor.

8 MS. BHALLA: But he goes on. I just want  
9 to make sure.

10 THE COURT: Why don't you lead him through  
11 this without bringing up the other murder.

12 (The following proceedings were held in  
13 open court.)

14 THE COURT: All right. Mr. Castellano.  
15 BY MR. CASTELLANO:

16 Q. All right. You mentioned Boo-Boo. And  
17 there is also mention of someone named Julian here.

18 A. What he's talking about is --

19 Q. Is that Julian Romero?

20 A. Yes, sir, it is.

21 Q. And was Julian Romero from the Barelas  
22 neighborhood in Albuquerque?

23 A. Yes, he was.

24 Q. I'm going to turn to the third clip.

25 Let's begin with that one.



1 (Tape played.)

2 Q. Do you know what happened in Las Cruces on  
3 the streets?

4 A. On the streets?

5 Q. Yes. It says, "Just cause of that shit  
6 that happened in Cruces." And then it says,  
7 "unintelligible streets, too." And there is talk  
8 about the RICO Act.

9 A. I think more or less what he's talking  
10 about there is --

11 MS. BHALLA: Objection, Your Honor,  
12 speculation. He thinks. He doesn't know.

13 THE COURT: Well, why don't you rephrase  
14 your question in terms of what he understood when he  
15 was talking to Mr. Herrera, Mr. Herrera to be  
16 talking about. So it's his understanding.

17 BY MR. CASTELLANO:

18 Q. What is your understanding about what  
19 Mr. Herrera is talking to you about, especially  
20 including mention of the RICO Act?

21 A. My understanding was we need to be more  
22 smarter, we need to be more tight knitted because  
23 the feds are investigating us now, and it's going to  
24 be hard for us to move further with the SNM.

25 The goals of the SNM we're trying to

1 achieve in the organization so we needed to be more  
2 low-key.

3 Q. Let me ask you this: At the point you had  
4 this conversation with Mr. Herrera, had he been  
5 charged in the federal case yet?

6 A. Not yet, no, sir.

7 Q. Let's turn to the next clip.

8 (Tape played.)

9 Q. When you asked Mr. Herrera if that's going  
10 to give us a boost up, what are you talking about?

11 A. What we're talking about is with the  
12 prison, state prison system, we were getting locked  
13 up; we were getting limited on the lines. But in  
14 federal prison, we would have free range on the  
15 lines.

16 And people from New Mexico that were  
17 disrespecting the SNM would be hit once they went to  
18 the federal system, because we would have more  
19 access to them, is what he thought.

20 Q. Let's continue.

21 (Tape played.)

22 Q. What's the problem with being a  
23 gang-related imposter?

24 A. Not good. You can't be a fake. You've  
25 got to be real with it, because in that game you'll

1 get murdered.

2 Q. Okay. Let's continue.

3 (Tape played.)

4 Q. So Mr. Herrera talks about "Chicano  
5 movement under us" and the foot soldiers. Is he  
6 talking about starting a new movement and recruiting  
7 additional members?

8 A. Basically, what he's talking about is  
9 getting all the barrios underneath us, all the  
10 street gangs, getting them underneath us, under one  
11 movement; in other words, being our foot soldiers,  
12 doing our dirty work for us. And, yes, when time  
13 comes, there will be new recruitments out of those  
14 ranks.

15 Q. Would this be one of the ways to possibly  
16 reorganize the SNM Gang?

17 A. Yes, it's the reorg -- well, it's always  
18 been a part of us. That's always been our movement.  
19 It's just, there has been times, because the  
20 administration catches on a little quicker, and they  
21 lock us down, and it sets us back a few years. So  
22 every time it sets us back, they got to start from  
23 scratch.

24 And they felt now that it was time we had  
25 to start from scratch again, because we were

1 losing -- with the RICO Act, it took a lot of our  
2 good --

3 MS. BHALLA: Objection, narrative.

4 THE COURT: Can we try another question?

5 BY MR. CASTELLANO:

6 Q. What effect did the RICO Act have on the  
7 gang?

8 A. Oh, it had a big impact. It set us back  
9 about 10, 15 years.

10 Q. Let's continue.

11 (Tape played.)

12 Q. What does Mr. Herrera mean when he says,  
13 "We're going to start putting in jale"?

14 A. He means start robbing, killing,  
15 extorting. That's jale. Jale, for us, is a job,  
16 and the job is to go in and be enforcers for the SNM  
17 and do whatever needs to be done to gain recognition  
18 within the street gangs out there. And we do it by  
19 the most brutal force necessary, because fear is  
20 what brings respect within the gang culture.

21 Q. When he says "these vatos from the S," is  
22 the S just a short form of SNM?

23 A. It's a short form of SNM, yes.

24 Q. And you mentioned two terms, one is Zia  
25 Keeskees and Zia manos. First of all, what is Zia

1 Keeskees?

2 A. Zia Keeskee is what I started off as, a  
3 prospect, a young brother that's being prepped to be  
4 a Zia mano. Once you are a Zia mano, you're a  
5 full-fledged SNM Gang member.

6 Q. Okay. I think we now have Exhibit Number  
7 198 available, which is the first one we moved in.  
8 Let's go ahead and move back to that one and we'll  
9 begin playing Government's Exhibit 198.

10 (Tape played.)

11 MS. BHALLA: Can you give me the Bates  
12 number? I'm sorry.

13 MR. CASTELLANO: It's 20933.

14 MS. BHALLA: Thank you, sorry.

15 (Tape played.)

16 BY MR. CASTELLANO:

17 Q. What is this discussion of taking it to  
18 the streets and youngsters?

19 A. It's going out there and recruiting  
20 youngsters as young prospects as young as 11, 12, 13  
21 years old, and we groom them. We groom them up to  
22 be either enforcers for the SNM. And we feel the  
23 ones that are the most elite, because that's what  
24 SNM is supposed to be about, be elite, we make them  
25 members, the ones that are the most feared, like we

1 are, we make them SNM members.

2 Q. Let's continue.

3 (Tape played.)

4 Q. Who are Alex and Juanito?

5 A. They're SNM members of the organization.

6 Q. And if you would have been a good SNM Gang  
7 member, would you have agreed with Mr. Herrera that  
8 you all have to do your part?

9 A. Of course.

10 Q. Let's continue.

11 (Tape played.)

12 Q. Who are you guys going to get?

13 A. We're going to get other rival gang  
14 members that don't want to take into the SNM  
15 influence. Whoever don't want to be under our  
16 command, we're going to force them so when he says  
17 get them, we're going to kill them.

18 Q. Let's continue.

19 (Tape played.)

20 Q. So has that been one of the problems with  
21 the SNM, is the sharks are feeding off each other?

22 A. Yes, the sharks are feeding off each other  
23 because we don't have no one to feed off of.

24 Q. And that's because you guys have largely  
25 been housed together in your own pods?

1           A.     Yes.   Because the administration felt we  
2     were too much -- too dangerous to be on the general  
3     population line so they put us together just with  
4     ourselves.

5           Q.     Let's continue.

6                     (Tape played.)

7           Q.     What's the importance of getting people to  
8     fall in line?

9           A.     Very important.   That's how an  
10    organization works, is people have to fall in line.  
11    And according -- to do that, you've got to do those  
12    things:   Murder, stab people, assault people;  
13    they've got to fear you.   And that's what the SNM is  
14    about:   We're about fear, putting fear in people to  
15    respect us.

16          Q.     When he uses the word "big homie," what is  
17    a big homie?

18          A.     A big homie in terms is a made man.   A  
19    made man is a mafioso.   That means you're part of a  
20    clika, part of the SNM, when you're a big homie.

21                   Little homies are guys that haven't made  
22    it to be a made man yet.   You're under us.   And a  
23    big homie calls shots.

24          Q.     At this time I'm going to play for you  
25    Government's Exhibit 204, which is a conversation

1 between yourself and Carlos Herrera.

2 MS. BHALLA: May I have the Bates number?

3 MR. CASTELLANO: Starting at page 20918.

4 THE COURT: Any objection?

5 MS. BHALLA: No. Thank you.

6 THE COURT: Not hearing any objection,  
7 Government's Exhibit 204 will be admitted into  
8 evidence.

9 (Government Exhibit 204 admitted.)

10 MS. JACKS: And, Your Honor, I believe  
11 we've previously stated our objections. We'd ask  
12 for a limiting instruction.

13 THE COURT: All right. The Government is  
14 going to play a tape that involves conversations  
15 with Mr. Herrera. You can only use this evidence in  
16 your deliberations as to the charges against Mr.  
17 Herrera and not as to the other three gentlemen.

18 Mr. Castellano.

19 MR. CASTELLANO: Thank you, Your Honor.

20 BY MR. CASTELLANO:

21 Q. Let's begin playing Exhibit 204, please.  
22 This is the first clip.

23 (Tape played.)

24 Q. Okay. There are a few things here. What  
25 does it mean to be false ragging?



1           A.     That means that you're not really part of  
2 the organization; you're more a claimer than  
3 anything. You're fake.

4           Q.     And when there is talk about giving  
5 someone a fierro, you either run with New Mexico or  
6 you run under our reglas.

7           A.     That means the guys that are falling out  
8 of New Mexico that don't want to run under us, the  
9 SNM, they're going to ride under us or they're going  
10 to ride underneath the Eme, and the Eme is going to  
11 use them as crash dummies.

12          Q.     What's a crash dummy?

13          A.     Crash dummy is somebody that don't have  
14 respect and is forced and feared into doing things  
15 he don't want to do.

16          Q.     Let's continue.

17                 (Tape played.)

18          Q.     What is basura?

19          A.     He's saying basically they're trash  
20 because they're fake. They're not real Sureno. So  
21 if they want to ride Sureno and the Eme isn't going  
22 to recognize them because they only recognize us as  
23 big homies from the state of New Mexico, and if they  
24 want to ride under them, go ahead and they'll be  
25 trash. They'll get treated like trash. They'll be

1 crash dummies.

2 Q. Is basura the Spanish word for trash?

3 A. Yes, it is.

4 Q. I'm going to go ahead and cut that one  
5 short and move to the second clip.

6 (Tape played.)

7 Q. Just a little bit ago you mentioned  
8 bringing people together under the SNM. Is this  
9 further discussion of doing that?

10 A. Yes, this is further discussion of doing  
11 that.

12 Q. I'm going to go ahead and move forward to  
13 clip number 3. It's on page 20923.

14 (Tape played.)

15 Q. What's your understanding of when  
16 Mr. Herrera says everybody else started off sooner?

17 A. He's talking about the Mexican Mafia, the  
18 Latin Kings, big organizations that -- the Mexican  
19 Mafia is one of our main influentials. We started  
20 under their structure in the federal prison system.

21 MS. BHALLA: Objection. Narrative.

22 THE COURT: Overruled.

23 A. That's what he means when he says we  
24 started a little late, but we'll be all right.

25 We'll be like the Eme one day. We'll get this state

1 under lock.

2 BY MR. CASTELLANO:

3 Q. Let me turn to clip number 4, also from  
4 Exhibit 204.

5 (Tape played.)

6 Q. What's a ticato?

7 A. A ticato is a heroin junkie.

8 Q. Okay. Let's continue.

9 (Tape played.)

10 Q. So what's this talking about, Holly Holm  
11 and Mayweather and taxing people?

12 A. Just being a comedian there, but basically  
13 he's saying there is no limits in what we can do by  
14 extorting people out there in the streets.

15 Q. Let's continue.

16 (Tape played.)

17 Q. Now, when Mr. Herrera talks about when  
18 they hear Syndicato, they flee. And you say that  
19 was 10, 15 years ago. Was there concern that SNM  
20 was losing some of its fear factor?

21 A. Yes, we were concerned we were losing our  
22 fear factor, so we needed to step up our game.

23 Q. Okay. Let's turn to the next clip on this  
24 exhibit, that's at 20926.

25 (Tape played.)

1 Q. What about the prostitutes and giving them  
2 jobs at the Correction Departments if they have  
3 clean records?

4 A. So we can infiltrate the Corrections  
5 Department and we can get more information on  
6 where -- what we wanted to do was murder certain  
7 STIU officers or put fear back in the Department of  
8 Corrections.

9 MS. BHALLA: Objection, Your Honor.  
10 That's just nowhere remotely. I'm sorry, but --

11 THE COURT: You can deal with that on  
12 cross. Overruled.

13 BY MR. CASTELLANO:

14 Q. Were you aware of hits on corrections  
15 officers?

16 A. Yes.

17 Q. Now, let me turn to Government's Exhibit  
18 202, which is a conversation between you and  
19 Mr. Herrera. And this is page 20909.

20 MR. CASTELLANO: At this time, Your Honor,  
21 I would move the admission of Government's Exhibit  
22 202.

23 THE COURT: Any further objections need to  
24 be made to this? Not hearing any, then Government's  
25 Exhibit 202 will be admitted into evidence.

1 (Government Exhibit 202 admitted.)

2 MS. JACKS: Nothing further from us, but  
3 we would request a limiting instruction.

4 THE COURT: All right. This continues to  
5 be a conversation with Mr. Herrera, and so you can  
6 only use this evidence in your deliberation as to  
7 the charges against him. You cannot use it in any  
8 way against the other three gentlemen.

9 Mr. Castellano.

10 MR. CASTELLANO: Thank you, Your Honor.

11 BY MR. CASTELLANO:

12 Q. We'll begin playing Exhibit 202.

13 (Tape played.)

14 Q. So in this recording, Mr. Herrera talks  
15 about possibly injecting someone with someone else's  
16 insulin who is not diabetic. Would this be a  
17 version of a hotshot that you've told us about  
18 previously?

19 A. Yes, that's what we're talking about.

20 Q. I'm going to turn your attention now to  
21 Government's Exhibit -- let me check the number -- I  
22 believe it 192.

23 Mr. Herrera, I'm going to play another  
24 recording between you -- excuse me. Mr. Cordova,  
25 another recording between you and Mr. Herrera. This

1 is Government's Exhibit 192.

2 MR. CASTELLANO: And at this point, Your  
3 Honor, I move the admission of Government's Exhibit  
4 192.

5 THE COURT: Any other discussion, anything  
6 else on this?

7 MS. BHALLA: Your Honor, I think that this  
8 deals with the previous objection that I raised  
9 earlier. So I don't know if you want me to address  
10 it quickly, or --

11 THE COURT: Well, I'm prepared to rule on  
12 195, but do you have now additional ones as to 192?

13 MS. BHALLA: It's the same issue when 195  
14 is included.

15 THE COURT: All right. Why don't you  
16 approach and I'll give you a ruling on 195.

17 (The following proceedings were held at  
18 the bench.)

19 THE COURT: All right. This relates to --

20 MR. CASTELLANO: I have 192, you had  
21 objected to 195.

22 MS. BHALLA: That's correct. But the  
23 basis of my objection in 195 was that it dealt with  
24 the Julian Romero incident, which hasn't been  
25 charged and hasn't been listed as a bad act.

1 THE COURT: I haven't reviewed 192, but I  
2 have 195 in some detail. Let me give you my ruling  
3 on 195 and see if it resolves this.

4 MS. BHALLA: Okay.

5 THE COURT: Again, this is a conversation  
6 between Billy Cordova and Carlos Herrera. And if I  
7 understood your objection this morning to 195, you  
8 primarily were objecting to the introduction because  
9 it concerned the conspiracy to assault Julian  
10 Romero.

11 MS. BHALLA: Correct.

12 THE COURT: And that Mr. Herrera is not  
13 charged with conspiring to assault Mr. Romero. And  
14 the conspiracy to assault Mr. Romero was not  
15 disclosed as a prior Herrera bad act.

16 MS. BHALLA: Correct.

17 THE COURT: That's my understanding. I  
18 think that the exhibit should be admitted because it  
19 contains many Herrera statements that are relevant  
20 and probative of the charges against Mr. Herrera.

21 I do have an isolated Cordova statement on  
22 DeLeon 20861-62 indicating that Mr. Herrera was on  
23 the tabla. I think it should be redacted as  
24 inadmissible hearsay.

25 So other than that, let's start with Bates

1 numbers 20861 to 62. There what Mr. Cordova states  
2 is that he -- and that's this Earn Dog -- was saying  
3 "Ahh, I don't know fuckin know Lazy was on the tabla  
4 and just talking down and shit like that."

5 This statement explicitly asserts an  
6 assertion by Mr. Cordova that Mr. Herrera was on the  
7 tabla. That assertion is inadmissible hearsay so  
8 that needs to be redacted.

9 Going to pages 20863 through 67 here,  
10 where I think your objections are mainly targeted  
11 at, is that Mr. Herrera makes several lengthy  
12 statements about the assault on Julian Romero. I  
13 think those discussions were relevant to the charges  
14 against Mr. Herrera because it shows Mr. Herrera's  
15 role in the SNM. Mr. Herrera states that he argued  
16 that Romero, "needed a violation," but "didn't  
17 deserve to die." That's at DeLeon 20863 to 64.  
18 That Mr. Herrera's desires were carry into effect.  
19 Mr. Romero was assaulted but wasn't killed.

20 Mr. Herrera was an influential SNM member.  
21 Mr. Herrera's position in the SNM is relevant to  
22 whether he conspired to kill Mr. Molina to maintain  
23 or advance his position in the SNM. I think it's  
24 also relevant to whether Mr. Herrera approved,  
25 supervised the Molina murder. If Mr. Herrera was



1 not a high ranking member, he would not have been in  
2 a position to approve or supervise SNM operations.

3 I think Mr. Herrera's discussion is also  
4 relevant because it reflects Mr. Herrera's state of  
5 mind. I know that we're not going to admit this  
6 against the other defendants, but I still think it  
7 shows the breadth of what the discussions are and  
8 provides a potential motive for Mr. Herrera's  
9 participation in the Molina murder.

10 At 20866, he says "They have to realize  
11 carnal, reglas are reglas. It goes for Styx, too.  
12 It goes for anyone, carnal. For me, for you, for  
13 all of us. Rules are rules, carnal." And then it's  
14 unintelligible, "you got what you got coming."

15 Moving to 20869, Mr. Herrera's statements  
16 describe SNM standard practices and touch on Javier  
17 Molina in particular, that murder. The CHS, Mr.  
18 Cordova, "What I trip out on is that vato, hey that  
19 fool Javier was there for four fuckin years,  
20 carnal."

21 Mr. Herrera says, "I know," it's UI,  
22 brother. UI. How the fuck?! How the fuck told  
23 him. It's like," UI, "just like with anybody else  
24 and I told him, You know what? And that's why this  
25 ranfla is the way it's been. It's because you

1 have -- there was no fear. Nobody had fear back  
2 then," UI, fuckin" UI. "You have fear," UI,  
3 "because, you knew if -- if anything. You get home  
4 and you said anything stupid, you were done." And  
5 that's at DeLeon pages 20869.

6 Moving to 20870, Mr. Herrera also  
7 discusses the specifics of the Molina murder. The  
8 confidential informant states "Hey, but that shit  
9 was real though, huh?"

10 Mr. Herrera states, "Huh?"

11 The informant, "Them papeles were real,  
12 huh?"

13 Mr. Herrera states, "I put that on  
14 everything, brother. I know this," UI, "that's one  
15 thing me, and Alex, Dan Dan, even Cyclone," UI.  
16 "Spider, all of us, Blue, all of us, carnal, made  
17 that decision, carnal." It's," UI. Then, "That, it  
18 has to be legit. It has to be good, carnal. Now,  
19 that's why there was certain carnals; it wasn't  
20 about" UI. "As to say, um, was what it was, carnal,  
21 it was just a community of older brothers at the  
22 time that put together and made a decision together.  
23 You didn't have just one person just making  
24 decisions for everybody."

25 Then finally on 20871, Mr. Herrera's

1 statements also describe SNM racketeering activity.  
2 It says, "Now you're gonna to start paying, it's not  
3 saying that, that you're a punk, but you're gonna  
4 fuckin throw something in this," UI, "toward the"  
5 UI. "And this goes for everyone." UI "everyone  
6 outside this ranfla. That's what they started -- we  
7 started -- it's -- like, in other words, you get the  
8 clavo on the streets, you give a percentage to the  
9 big homie, which is us. What percentage then we  
10 distribute the drugs. And everybody sees that.  
11 They see that money gets," it's (unintelligible).  
12 "All the homies on the streets rallying up all the  
13 fuckin home girls, and the chiva taking it off the  
14 streets." Then it's unintelligible. "Putting em to  
15 work, carnal." (Unintelligible.) "Fuckin."  
16 (Unintelligible.) "Everybody" (unintelligible), "is  
17 we all need to do it. All of us have resource,  
18 carnal." A couple of unintelligibles. "But once  
19 you have that taken care of, everything is history."  
20 And that's 20871.

21 And drug dealing is racketeering activity  
22 according to the Government's charges, so these  
23 statements by Mr. Herrera are relevant to whether  
24 the SNM is an enterprise engaged in racketeering  
25 activity. So other than the one statement on 20861,

1 26, where Cordova is doing the statement, I think  
2 that's inadmissible hearsay. I'll otherwise admit  
3 195.

4 Does that largely cover what you need off  
5 192, as well?

6 MS. BHALLA: It does, Your Honor. But I  
7 would like to briefly be heard. The statement on  
8 20870 where he said that this was specifics  
9 regarding the Molina murder, that's precisely why I  
10 want to keep it out. The conversation is about  
11 Julian Romero. It's very confusing. It appears to  
12 be about Javier Molina, but it's not. And I think  
13 that that's the reason we want it out.

14 THE COURT: Okay.

15 MS. BHALLA: It's misleading.

16 THE COURT: Well, even if it's about  
17 Julian Romero, as I indicated on those passages,  
18 which it was clear to me it was relating to the  
19 assault on him, I still think those are relevant  
20 here as to the charges against Mr. Herrera.

21 MS. BHALLA: And they may be relevant,  
22 Your Honor, but I think our position is that it's  
23 more prejudicial than probative in this particular  
24 situation.

25 THE COURT: Okay. I'll overrule that

1 objection.

2 MR. CASTELLANO: Make sure I have the  
3 right redactions.

4 THE COURT: Starts with the line "And he,"  
5 and I think that's referring to this Earn Dog.

6 MR. CASTELLANO: Yes.

7 THE COURT: Then to the end of that, it  
8 says "like that." That needs to be redacted.

9 MR. CASTELLANO: We're fine with the  
10 Court's ruling. The only thing, we don't have that  
11 cut into two pieces, so we may need to take a second  
12 to actually redact that from the recording.

13 THE COURT: You're going to do 192. Then  
14 we'll take a break, and you can do 195.

15 MR. CASTELLANO: Yes, sir. Thank you.

16 MS. DUNCAN: Your Honor, Ms. Jacks has  
17 been making objections and asking for limiting  
18 instructions and renewing. I haven't been jumping  
19 up to repeat what she's saying. But Mr. Baca has  
20 joined all those objections.

21 THE COURT: And I'm making the  
22 instructions as to Mr. Baca, as well.

23 MS. DUNCAN: I just want to make sure for  
24 appellate purposes.

25 MR. CASTELLANO: I think the Court has

1 mentioned the other three defendants in each  
2 limiting instruction.

3 MS. DUNCAN: You have -- I want to make  
4 sure it's understood that we're joining. I just  
5 don't want to repeat Ms. Jacks.

6 THE COURT: Okay.

7 (The following proceedings were held in  
8 open court.)

9 THE COURT: All right. So Government's  
10 Exhibit 192 will be admitted into evidence.

11 (Government Exhibit 192 admitted.)

12 MS. JACKS: And, Your Honor, based on our  
13 previous arguments, we'd object and ask for the  
14 limiting instruction.

15 THE COURT: All right. Again, this is  
16 going to be a conversation with Mr. Herrera. And so  
17 you can only use this conversation in your  
18 deliberations as to the charges against him and not  
19 as to the other three gentlemen.

20 All right. Mr. Castellano.

21 MR. CASTELLANO: Thank you, Your Honor.

22 BY MR. CASTELLANO:

23 Q. At this time we'll begin playing  
24 Government's Exhibit 192.

25 While this is getting pulled up,

1 Mr. Cordova, were you aware that Robert Martinez,  
2 also known as Baby Rob, had renounced the gang?

3 A. Yes, sir.

4 Q. At some point do you have discussions with  
5 Mr. Herrera about that?

6 A. Yes, sir.

7 Q. How did you find out that he had renounced  
8 the gang?

9 A. I was there when he renounced. I was in  
10 the same pod with him. I was in X pod, 3B, and I  
11 was there when he renounced.

12 Q. Did he leave one day and never come back?

13 A. Yes, leave one day, and never came back.  
14 And to my understanding he gave up his weapon, his  
15 shank to the STIU and left.

16 Q. While we're waiting, what does it mean to  
17 be -- when you say everybody was up in hoops?

18 A. Everything was in groups. Everybody was  
19 plotting for the next power position, who was going  
20 to take over on being on the tabla, what needed to  
21 be done. And there was disagreements amongst groups  
22 of how they felt the SNM should be ran at that time.

23 THE COURT: Mr. Castellano, do you want to  
24 just take this tape up after the break?

25 MR. CASTELLANO: I think so, Your Honor.

1 THE COURT: All right. We'll be in recess  
2 for about 15 minutes.

3 (The jury left the courtroom.)

4 THE COURT: All right. We'll be in recess  
5 for about 15 minutes.

6 (The Court stood in recess.)

7 THE COURT: All right. We'll go on the  
8 record. Anything we need to discuss before we bring  
9 the jury in, Mr. Beck?

10 MR. BECK: Your Honor, I just wanted to  
11 note for the record that during Mr. Cordova's  
12 testimony, when the recordings were playing with Mr.  
13 Perez, Mr. Perez was awake and coherent and paying  
14 attention to the screen. I was watching him  
15 closely. It didn't appear that his attorneys asked  
16 him questions or he asked questions of his  
17 attorneys. So just for the record on the motions  
18 that have been filed.

19 THE COURT: All right. Thank you,  
20 Mr. Beck.

21 How about from the defendants, anybody  
22 have anything? Mr. Lowry, Ms. Duncan?

23 MS. DUNCAN: Your Honor, I don't know if  
24 we have time to discuss it now, but we intended to  
25 call in the defense case witnesses regarding the



1 recent charges that Eric Duran incurred in Portland,  
2 since we couldn't ask him because of the Fifth  
3 Amendment. My understanding is that the Government  
4 is going to object to those witnesses, and because  
5 we would be flying them in from Oregon, we wanted to  
6 talk to the Court about that before we incur that  
7 expense.

8 THE COURT: What's the objection?

9 MR. BECK: Your Honor, the objection is I  
10 think the Court already concluded correctly that  
11 it's a collateral matter. Mr. Duran was asked  
12 questions about all of them. He answered -- I don't  
13 think he said no to those questions when he was  
14 asked about the allegations and his daughter, and  
15 whether witnesses found things. He said, I don't  
16 know that, which I think is truthful. So I don't  
17 think there is material to be impeached. If there  
18 is, it's impeachment with extrinsic evidence, which  
19 is improper for collateral matters under 608(b).

20 THE COURT: All right. I'll give it some  
21 thought.

22 MS. DUNCAN: Your Honor, if I can just  
23 point out, Rule 608 disallows intrinsic evidence  
24 bearing on the issues of truthfulness, character for  
25 truthfulness. But this is his bias. And bias is

1 never a collateral matter. And the jury is entitled  
2 to hear the full scope of Mr. Duran's misconduct in  
3 evaluating him as a witness and his bias.

4 THE COURT: All right. I'm leaning  
5 against it. But I'll give it some thought.

6 (The jury entered the courtroom.)

7 THE COURT: All right. Mr. Cordova, I'll  
8 remind you that you're still under oath.

9 THE WITNESS: Yes, Your Honor.

10 THE COURT: I'm having a little bit of  
11 computer problems, so they may be working on those  
12 up here, but we'll plow ahead.

13 Mr. Castellano, if you wish to continue.  
14 I think you were about to play Exhibit 192.

15 MR. CASTELLANO: That's correct, Your  
16 Honor.

17 BY MR. CASTELLANO:

18 Q. And I think we can begin playing it now.

19 (Tape played.)

20 Q. Okay. When you said you were at the  
21 North, is that the North facility in Santa Fe?

22 A. Yes, sir.

23 Q. And what are you talking about when you  
24 say Carlos's name came up and they should have  
25 waited?

1           A.     Well, his name came up and people were mad  
2 because SNM has been trying to get back in general  
3 population on the line for years. And we are almost  
4 there. They were going to let us back out to the  
5 line, but when Lazy and them called the hit on  
6 Javier Molina, it messed everything up. It set us  
7 back. So it made us look bad and people were like,  
8 We needed to be back out there. That should have  
9 waited.

10           Q.     Okay. Let's continue.

11                     (Tape played.)

12           Q.     What is Mr. Herrera explaining to you when  
13 he made contact with Junior and Spider and others?

14           A.     He's saying I'm in contact with all these  
15 other brothers that matter, so people that needed to  
16 know and needed to go on, they know. And the rest  
17 don't really need to know. That's what he meant.

18                     So what he was saying is that the brothers  
19 that were in charge at the time, they were okay with  
20 what was going in the onda with him doing what he  
21 was doing.

22           Q.     When you say doing what he was doing, what  
23 are you talking about?

24           A.     Doing the Javier murder, calling that hit  
25 was a good thing, so they were okay with it.

1 Q. Okay. Let's continue.

2 (Tape played.)

3 Q. Okay. What's this issue with Mr. Herrera  
4 talking about Earn Dog?

5 A. Earn Dog was having a change of heart  
6 within the organization. He wanted an okay from  
7 Herrera to give him -- to vouch for him, to validate  
8 it was okay for him to go ahead and do his own  
9 thing, and Herrera wouldn't. He wouldn't vouch for  
10 him. He was like, Either you're a carnal or if  
11 you're not, you'll get hit.

12 Q. All right. Continue.

13 (Tape played.)

14 Q. What's your understanding of what  
15 Mr. Herrera means when he said, "I don't deserve the  
16 llaves and I never wanted them, Dog"?

17 A. It's because they put him in an authority  
18 position on the tabla, and he didn't ask to get  
19 there. You don't ask to get there. People put you  
20 there.

21 Q. And what about Ogre, "how did they put  
22 Ogre in it?"

23 A. If I could listen to it one more time, I  
24 can tell you.

25 Q. Okay. If we could back it up just a

1 little bit.

2 (Tape replayed.)

3 Q. Going back to Ogre, were you able to  
4 better understand it from hearing it again?

5 A. I couldn't really understand it from  
6 hearing it.

7 Q. Let's move forward then to this discussion  
8 about Baby Rob and Crazo.

9 A. He was saying -- excuse my language --  
10 they ditched out, because he's related to -- they  
11 renounced, they walked away from the onda.

12 Q. Okay. So this is what, February, March  
13 timeframe. Are people already aware then that Crazo  
14 has also basically left the gang?

15 A. Yes, they're aware of it. And the word is  
16 going around that he turned FBI informant.

17 Q. And so word got out that quickly?

18 A. Yes.

19 Q. And is Crazo also known as Eric Duran?

20 A. Yes, sir.

21 Q. Let's continue.

22 (Tape played.)

23 Q. What is Mr. Herrera talking about here?

24 A. He's talking about people that were  
25 talking about him. He's just saying that anybody

1 can talk like that and fuck the door -- excuse me,  
2 sorry, my language. To come out the door, like come  
3 to Level 4 and strap up; in other words, strap up is  
4 get a shank and take care of business. We can bend.

5 Q. It sounded like Mr. Herrera got more  
6 animated when you talked -- when you let him know  
7 people were talking about him and the decision to  
8 hit Molina.

9 A. Yes. He was -- and it's true, the people  
10 were, they were conflicted about us not coming out  
11 to the lines. They thought us coming out to the  
12 lines was more important than that one person  
13 getting handled right away.

14 So I think he knew he kind of jumped the  
15 gun on the Molina murder, calling the hit, and maybe  
16 he should have waited.

17 MS. BHALLA: Objection, speculation.

18 THE COURT: Well, I think he can state,  
19 and I think we need to put it in terms and ask the  
20 questions in terms, what do you think Mr. Herrera  
21 was saying. And if he's going beyond that, then I  
22 think he probably ought to stop.

23 BY MR. CASTELLANO:

24 Q. What do you think he was saying in  
25 response to the fact that you told him people

1 thought that he may have moved too soon?

2 MS. BHALLA: It's speculation, Your Honor.  
3 The same objection.

4 THE COURT: Well, I think he can answer  
5 this question. Overruled.

6 A. He was conflicted, I felt. I felt he knew  
7 he should have waited. We were coming out. We had  
8 been filing appeals, we'd been trying to get out to  
9 the prison line for quite some time. And with that  
10 Molina murder, it was going to set us back because  
11 we finally got administration that was willing to  
12 work with us and allow us back out to the prison  
13 population.

14 BY MR. CASTELLANO:

15 Q. Then after Molina, did you guys get locked  
16 down again?

17 A. Yes, we got locked down again for, I think  
18 it was a period of a year and a half, almost two  
19 years.

20 Q. Let's continue.

21 (Tape played.)

22 Q. What was the discussion about Mr. Herrera  
23 being heard about what Earn Dog told him?

24 A. Earn Dog was having conflicted emotions  
25 within himself. That he wanted maybe to go to the

1 program, the dropout program. And like I said, Lazy  
2 wasn't going to vouch for him. And when he states  
3 his values, because he had started showing weakness,  
4 he started reading the Bible, well, really reading  
5 the Bible, not just reading it for philosophy or  
6 strategy issues, he started reading it, believing in  
7 God. That's not good within the SNM. They don't  
8 believe in that.

9 Q. So at that point then that was something  
10 that hurt Mr. Herrera because he wanted to leave the  
11 S?

12 A. Yes.

13 Q. Let's continue.

14 (Tape played.)

15 Q. What is this discussion about, comes to  
16 Cruces and it should have gotten done cleaner?

17 A. At that time, the earliest was -- he was  
18 out of the loop on politics within the onda.  
19 Brothers had already seen he was showing weakness.  
20 I don't think he really knew what was going on. But  
21 he still had a say-so in the yard about they  
22 shouldn't have jeopardized brothers like that, on  
23 that Javier Molina hit, but that's the way they  
24 wanted it done. And, obviously, Earn Dog didn't  
25 know that.



1 Q. And then there's talk about Mr. Herrera  
2 being on the tabla.

3 A. Yes.

4 Q. Were you aware of his status on the tabla?

5 A. Yes. I was aware of his status on the  
6 tabla at the time.

7 Q. What responsibilities would he have as a  
8 member of the tabla?

9 A. He is an influential member so he has a  
10 say-so on things that go on within the family, like  
11 hits, violations. That's where they come down from,  
12 they come down from the tabla. They sit down, they  
13 have a discussion. And if they feel it's  
14 justifiable, then they made sure they hand it down  
15 to the llaveros, and then the llaveros make sure it  
16 gets handled.

17 Q. Let's continue.

18 (Tape played.)

19 Q. Okay. A few things here. So Mr. Herrera  
20 mentions the name "Javier." What happened with  
21 Javier?

22 A. That's Javier Molina. And what he's  
23 talking about there, his brothers were criticizing  
24 the tabla because the way the hit went down. Like I  
25 said, we were coming out, we were getting a chance

1 by the administration in a few months to come out to  
2 the general population lines. And when that  
3 occurred, that set us back down. So the brothers  
4 were talking down on carnals that called it. He was  
5 one of them that called it. So they were like, why  
6 did he do that? And he's stating, why are they  
7 criticizing us? That's just what we do. We're the  
8 onda, you know what I mean?

9 Q. Okay. Let's continue.

10 (Tape played.)

11 Q. Okay. When there is discussion here by  
12 Mr. Herrera of saying it was wrong to kill a guy,  
13 which guy is this?

14 A. That's Javier Molina. And basically more  
15 or less what he's saying there is that --

16 MS. BHALLA: He answered the question  
17 already, Your Honor.

18 THE COURT: Overruled.

19 A. What he's saying is basically is this,  
20 he's saying we're the onda, that's what we do. We  
21 kill people, you know what I mean? So there was no  
22 need to wait, you know what I mean? So why would  
23 you feel bad about a guy getting killed? That's  
24 what we do. That's the onda.

25

1 BY MR. CASTELLANO:

2 Q. Let's continue.

3 (Tape played.)

4 Q. Is this you, Shadow, or a different Shadow  
5 he's talking about?

6 A. He's talking about Big Shadow in that,  
7 picking up, it's not barrio, it's Bible. That's  
8 what he's saying there, he's talking about, is  
9 picking up that Bible, being a Christian, you know.

10 Q. And is that Roy Martinez?

11 A. Yes, it's Roy Martinez.

12 Q. Was there discussion about Roy Martinez  
13 picking up the Bible and studying it?

14 A. Yes. And that's why they were saying they  
15 wanted to kill that vato for turning Christian.  
16 Showing weakness, in other words.

17 Q. Let's continue.

18 (Tape played.)

19 Q. Okay. So is this a continued discussion  
20 about Roy Martinez when he's kicking with LC and  
21 going to prayer meetings?

22 A. Yes. At the North, it's a lockdown  
23 facility. What he means by kicking it with them is  
24 he was talking to him, you're not supposed to talk  
25 to rival gang members. And he was talking to him in

1 the yard. He was going to prayer meetings with some  
2 of them, and really giving his life to God at that  
3 time in his life.

4 Q. And what should have Roy Martinez done, if  
5 he was being a good SNM member, if he --

6 A. Yeah, he would have never done -- first of  
7 all, the Bible is your rules of the SNM. That is  
8 your religion. You are Syndicato. You don't  
9 believe in God, you don't believe in nothing else  
10 but that Bible and them rules is SNM.

11 Q. Let me ask you this, then: If Roy  
12 Martinez is following different rules and he's  
13 hanging out with LC, isn't he supposed to be hitting  
14 an LC member?

15 A. Yes, he's supposed to murder them on  
16 sight. Any rival gang member, you're getting with  
17 air and opportunity is what we call it, you hit  
18 them. If not, you can be hit for that, because you  
19 had opportunity to do it. And that's what we're  
20 supposed to do with SNM members.

21 Q. Let's continue with the recording.

22 (Tape played.)

23 Q. Who are you talking about here?

24 A. We're talking about Javier Molina. Me and  
25 Shadow had got into a political dispute because he

1 wanted me to do some things in segregation. When I  
2 got out of segregation, I didn't do them. It was a  
3 political move against me. When I got back in  
4 prison at the North, and he was trying to say I knew  
5 about the Javier Molina being a rat, and I should  
6 have did something about it. It was just a politic  
7 move against me.

8 So what I'm telling: Herrera hears that I  
9 didn't know about him until Herrera had showed me  
10 the paperwork and told me about it. That was it.

11 Q. Let's continue.

12 (Tape played.)

13 Q. What does he mean when he says "tap out"?

14 A. What he means is walk away from the SNM.

15 Q. Let's continue.

16 (Tape played.)

17 Q. A few things. Earlier when he says, right  
18 now everything is firme. What does that mean?

19 A. Huh?

20 Q. It's toward the top of the screen.

21 "Everyone right now is firme."

22 A. What he's saying is that when the Javier  
23 murder went down, he feels that it's strengthened  
24 the SNM, because a lot of dudes started tapping out  
25 that were scared. And it got rid of a lot of what

1 he calls the negativity. Carnals that aren't  
2 willing to go and do what needs be done to further  
3 the agenda of the organization. So that's why he  
4 says everybody here now is firme. Everybody's on  
5 board. Everybody's down to put in work.

6 Q. Then he's asking the question, "Why are  
7 you mad at me, carnal?"

8 A. What he's saying -- he's telling people,  
9 whoever he was talking to, carnal, why are you mad  
10 at me when things are working good? Basically he  
11 felt what happened in Cruces with the Javier Molina  
12 murder is that it worked in the SNM's benefit. A  
13 lot of people tapped out that shouldn't have been  
14 around and that were weak and the strong are still  
15 there. The rest of us are firme.

16 Q. What about where he says, "Forgetting one  
17 thing, though, you got into a clika"?

18 A. Yes. And that's where he's talking about  
19 people showing weakness about people shouldn't be  
20 picking up the Bible. People shouldn't be talking  
21 about tapping out and walking away. You got into a  
22 clika. It's blood in, blood out, basically.

23 Q. Let's continue.

24 (Tape played.)

25 Q. Okay. Let's move to the next clip from

1 Government's Exhibit 192.

2 (Tape played.)

3 Q. What are you saying there about Javie and  
4 the papels?

5 A. Javier Molina, talking about Javier Molina  
6 that was murdered, that the paperwork where he  
7 ratted was down there for a while and no one did  
8 nothing. That's what I'm talking about.

9 Q. Let's continue.

10 (Tape played.)

11 Q. What is Mr. Herrera's response when you  
12 ask him -- or mention Javier Molina and the papers,  
13 paperwork?

14 A. He's just saying that, you know -- he's  
15 just saying fucking handle it, you know what I mean?  
16 It needs to get fucking handled. So that's why --  
17 excuse my language. It got handled, it needs to be  
18 handled, and it got handled, you know. That's what  
19 he just says, things are getting better because  
20 things are getting done.

21 Q. Let's continue.

22 (Tape played.)

23 Q. What is this discussion here about feeling  
24 it's wrong to send the carnals in?

25 A. Because he's stating, if people are

1 talking bad about how he called the Molina hit, then  
2 why didn't they do better? Why didn't they get it  
3 done? In other words, I got it done, why didn't  
4 they get it done?

5 Q. Let's continue.

6 (Tape played.)

7 Q. Why are you telling him, you know, Javier  
8 was down there for four years?

9 A. Because I wanted to get him on recorder  
10 stating, yeah, I know he was down there for four  
11 years and no one did nothing. And why is anybody  
12 talking bad about me, I got it done. You know what  
13 I mean? So basically it's I'm just stating that  
14 Javier was a rat. He was down there for years,  
15 should have been handled. And it didn't get handled  
16 until Lazy made it happen.

17 Q. Let's continue.

18 (Tape played.)

19 Q. When you're saying they finally pushed the  
20 issue, what is that issue?

21 A. The Javier Molina hit.

22 Q. Let's continue.

23 (Tape played.)

24 Q. Who is Choke that you're asking about?

25 A. Choke is an older SNM member of the



1 organization. I want to say it's a Richard -- I  
2 can't recall his last name, but he's an older  
3 carnal, he has influence in the feds. He's one of  
4 the ones that calls it for the SNM line in the feds.

5 Q. Let's continue playing.

6 (Tape played.)

7 Q. Mutual respect with who?

8 A. The Eme, the Mexican Mafia from  
9 California.

10 Q. Let's continue.

11 (Tape played.)

12 Q. Okay. When he mentioned Grandma, do you  
13 know who Grandma is?

14 A. Yeah, it's a code word or code name for  
15 one of our former ranking members called Styx,  
16 Gerald Archuleta.

17 Q. Who is Garduno?

18 A. Garduno is another SNM member of the  
19 organization.

20 Q. Was Garduno arrested?

21 A. Yes, he was arrested on the RICO Act.

22 Q. Who is Juanito?

23 A. Juanito is Juan Mendez.

24 Q. And when it says, "Chris got hemmed up,  
25 too," who is that?

1 A. Chris Garcia, another SNM member of the  
2 organization.

3 Q. And in a second here, you're going to say  
4 "I seen them all in the county, no?"

5 A. Yes, I did. I was in the middle of my  
6 murder trial. And the morning I left, and when I  
7 came back that afternoon, that night, everybody was  
8 gone. But everyone else that was in there was all  
9 SNM members, I tripped out. They were all -- and I  
10 know them all.

11 Q. Is that what you told us about earlier,  
12 you mentioned that you had gone to court and come  
13 back and a bunch of members were there?

14 A. Yes, sir.

15 Q. Let's continue.

16 (Tape played.)

17 Q. When Mr. Herrera says -- or it says drogus  
18 on there, but I think he says drogus on the  
19 recording.

20 A. Yeah, because he thinks he got them for  
21 drogus because Chris used to supply in Albuquerque  
22 every single SNM member that got out of prison, he  
23 was a big drug organizer and he would supply us with  
24 narcotics, heroin, cocaine in quantities, big  
25 quantities.

1 Q. What are drogas?

2 A. Drogas are drugs, Spanish for drugs.

3 Q. Let's continue.

4 (Tape played.)

5 Q. Okay. When they're talking about "they  
6 don't want no part in his life," what is Mr. Herrera  
7 referring to?

8 A. I think he's saying they don't want no  
9 part of this life. In other words, he's talking  
10 about people getting hit with the RICO Act, like  
11 everyone else, like the Eme, the Nuestra familia,  
12 all them getting hit with RICO Acts. That's what  
13 happens when you're involved in an organization,  
14 being an organized gang member. The feds come in,  
15 and eventually they RICO you. And that's exactly  
16 what they're doing to us now.

17 Q. Let's continue.

18 (Tape played.)

19 Q. Okay. When he says, "In other words,  
20 we're doing it wrong. How are we doing wrong,  
21 because it wasn't done correctly?"

22 A. He's talking about the Javier Molina  
23 murder and how things are going within the SNM  
24 organization. And what he's talking about, when  
25 people talk negative, it's not like all the citizens

1 see negative. What you guys see bad, we see as  
2 good. So what you guys see as good or positive, we  
3 see as negative.

4 When people start talking about oh, things  
5 shouldn't be done like this because we're going to  
6 be locked down, and, no, things should happen,  
7 people should get murdered, things should keep on  
8 going that way. Because that's what SNM is about.  
9 And that's what's positive for us, that's what's  
10 good for us.

11 So when he's saying people are being  
12 negative; in other words, he's talking about guys  
13 are showing weakness within the organization by  
14 talking against violent acts, and things that need  
15 to be done. And just because a RICO Act comes in,  
16 who cares, he's saying. This is what we do. We're  
17 from the onda, we're gang members, we're an  
18 organization. Ain't nothing going to stop us from  
19 being SNM, not even a RICO Act.

20 Q. Let's continue.

21 (Tape played.)

22 Q. Okay. What's this discussion about the  
23 paper and nobody asking anything, what's that about?

24 A. In other words, he's saying Javier Molina,  
25 you know, he was a rat. No one else ever got it

1 done. No one else ever asked for paperwork. So why  
2 are they being negative towards him when he got the  
3 paperwork, produced it, and got it done, is what  
4 he's basically saying.

5 Q. All right. Let's continue.

6 (Tape played.)

7 Q. What did you mean by that last statement?

8 A. In other words, he was making excuses of  
9 having a change of heart. And that's what I meant,  
10 is why is he using other people's changes of heart  
11 to justify his own thoughts of weakness.

12 Q. Okay. Let's move to the next clip.

13 (Tape played.)

14 Q. Did you say -- did you tell him to spit or  
15 to split?

16 A. Split.

17 Q. What does he mean there?

18 A. About Javier Molina, like what did you  
19 expect to happen? You wanted a rat to split, like  
20 leave, have the chance to escape, a rat, you know  
21 what I mean? It needs to be handled. So basically  
22 that's what he's saying, is things, they need to get  
23 done and that's the way they need to get done.

24 Q. Let's continue.

25 (Tape played.)

1 Q. Okay. If Javier is getting shown more  
2 love than him, how does the clavo play into it?

3 A. Because clavo, drugs has a big influence  
4 in prison. Even in the gang life, drugs has a big  
5 influence.

6 Q. Okay. Let's continue.

7 (Tape played.)

8 Q. Do you know anything about Andrew there at  
9 the end?

10 A. I can't recall what Andrew he's talking  
11 about.

12 Q. Let's move for the next clip.

13 (Tape played.)

14 Q. What are you talking about here? He says,  
15 "What did they tell you about the report?"

16 And you say, "Oh, about the fierros?"

17 A. About the fierros --

18 Q. What are fierros?

19 A. Fierros are shanks, they're knives. So  
20 basically if he had a report or something, that's  
21 probably what we were talking about.

22 Q. Okay.

23 (Tape played.)

24 Q. What got handled?

25 A. The Molina hit.

1 Q. Now, in a little bit you're going to ask  
2 whether the paperwork was real. And his response is  
3 "yeah." What paperwork are you referring to?

4 A. The paperwork on Javier Molina.

5 Q. And had you actually seen the paperwork  
6 yourself?

7 A. Yes.

8 Q. And so if you had seen the paperwork, why  
9 did you ask him if the paperwork was real?

10 A. Because I was trying to get him to state  
11 that he's the one that produced the paperwork to get  
12 Javier Molina hit.

13 Q. Let's continue and listen.

14 (Tape played.)

15 Q. And that's the Javier Molina paperwork?

16 A. Yes, sir.

17 Q. Let's turn to the next clip.

18 (Tape played.)

19 Q. What are you talking about here?

20 A. I went and I met his people. And I gave  
21 them some narcotics for him.

22 Q. Whose people?

23 A. Lazy's people. Herrera's people. And I  
24 showed his ex-girlfriend, I showed them how to send  
25 him the narcotics. I already had one made, and I

1 ran it down to them and showed them how to do it,  
2 and I was already sending some on the way.

3 Q. At that point, were you on the streets or  
4 in prison?

5 A. I was on the streets. I'd just got out of  
6 Las Cruces, New Mexico, Southern.

7 Q. And you said, "Then I showed her how I was  
8 doing it."

9 A. Yeah. I showed her how I was doing it,  
10 how I was sending drugs in to other brothers and to  
11 Lazy.

12 Q. Okay. Let's continue.

13 (Tape played.)

14 Q. Okay. Mr. Cordova, I'm going to move next  
15 to Government's Exhibit, I think it's 194 -- let me  
16 check the number. The next exhibit is Exhibit 194.  
17 This is a conversation between you and Mr. Herrera.

18 MR. CASTELLANO: And at this time, I'd  
19 move the admission of Government's Exhibit 194.

20 THE COURT: Any further discussion  
21 necessary on 194?

22 MS. BHALLA: No, Your Honor. Same  
23 objection.

24 THE COURT: All right. Government's  
25 Exhibit 194 will be admitted into evidence.



1 (Government Exhibit 194 admitted.)

2 MS. JACKS: And, Your Honor, we previously  
3 stated our objections. We'd ask for the limiting  
4 instruction.

5 THE COURT: All right. It looks like this  
6 is another conversation with Mr. Herrera. So you  
7 can only use this evidence in your discussions and  
8 deliberations about the charges against Mr. Herrera  
9 and you cannot use it in any way against the other  
10 three gentlemen.

11 All right, Mr. Castellano.

12 MR. CASTELLANO: Thank you, Your Honor.

13 BY MR. CASTELLANO:

14 Q. We'll begin by playing the beginning.

15 (Tape played.)

16 Q. Okay. There is mention of a person named  
17 Cheech. Do you know who that is?

18 A. Yes, it's -- his last name is Martinez.  
19 He's another SNM member of the organization.  
20 Cheech.

21 Q. If you know, do you know how he was  
22 involved with the Molina murder?

23 A. Yes, he's the one that got the paperwork  
24 from Jesse Sosa. He produced it to Spider and then  
25 Spider passed it down the line.

1 Q. Let's continue.

2 (Tape played.)

3 Q. And do you know what the retaliation is  
4 for here?

5 A. Yes, because he was a rat. In other  
6 words, why wait to retaliate on somebody that broke  
7 the rules of the organization. Just take care of  
8 it.

9 Q. Who is a rat?

10 A. Javier Molina. That's who we're talking  
11 about.

12 Q. And down below is a discussion of Blue and  
13 Spider.

14 A. Yes. See, Spider -- all right. Blue and  
15 Spider, I think they all got together and they  
16 discussed about things has to be justified within  
17 the organization and make sure that the black and  
18 white was real before it got done. Things like  
19 that.

20 Q. Let's listen to that part.

21 (Tape played.)

22 Q. Let's play the next segment.

23 (Tape played.)

24 Q. When you referred to asking Spider and  
25 asking Blue, what are you talking about?

1           A.     Because guys were talking -- everyone was  
2     in hoops at the North, Spider and Blue were there.  
3     So I was telling him, you know, you can ask them.  
4     You know, I was backing your play. I was telling  
5     them that you made sure things got done, and things  
6     got done as planned. And people were trying to --  
7     you know, that whole situation that they should have  
8     waited. We were coming back out to the line.

9                     And that's when I was telling Blue and  
10    Spider and them, well, he got it done. You know,  
11    when other guys passed up the opportunity to make  
12    sure Javier Molina got murdered, Lazy took care of  
13    it.

14           Q.     When you said, "I didn't know carnal" and  
15    "that's when I knew carnal, when that shit got  
16    there," what are you talking about?

17           A.     Because I didn't know about Javier Molina  
18    until the paperwork had gotten there. And Lazy had  
19    shown me and then let me know that you people know  
20    we're going to be on lockdown. That's when the  
21    murder happened, that day.

22                     (Tape played.)

23           Q.     Okay. When you're telling Mr. Herrera,  
24    "that's when I knew, you came up and you told me,  
25    carnal, let your people," is it go or know?

1           A.     Let your people know. That's basically  
2 when I found out is when he told me, look, when I  
3 seen the paperwork, and then afterwards right before  
4 it was going to happen, he told me, let your people  
5 know we're going to be on lockdown.

6           Q.     Why would you be on lockdown?

7           A.     Because Javier Molina was going to get  
8 murdered.

9           Q.     When you say, "I told them vatos there was  
10 a rat that was there for four years," who were you  
11 talking about?

12          A.     Javier Molina.

13          Q.     Okay. Let's continue.

14                 (Tape played.)

15          Q.     When you say "that are on the G," what are  
16 you talking about?

17          A.     Because he's talking about brothers hating  
18 on good brothers. People that want to get more  
19 privileges, they want to come out on tier time, they  
20 had contact visits. Those are the ones that we talk  
21 about that are being negative. Those are the ones  
22 we're talking about that are showing weakness. And  
23 the ones that are on the G shit -- excuse my  
24 language -- those are the ones that are making sure  
25 things get done, making sure people get murdered.

1 The organization is moving forward in our goal of  
2 expanding, becoming a better SNM organization.

3 Q. Are you saying up here that you defended  
4 Mr. Herrera when you say, "And you're trying to say  
5 this carnal is not wrong, you know what I mean?"  
6 It's right here.

7 A. Yes, because they're trying to say he was  
8 in the wrong because it should have waited. The  
9 murder should have waited. And what I'm saying to  
10 him is I backed him up, "How is this carnal in the  
11 wrong when that Vato was down there for four years  
12 and nothing ever happened to him?"

13 Q. Okay. Let's continue.

14 (Tape played.)

15 Q. At this point is Mr. Herrera speaking  
16 about somebody else?

17 A. Yes. At this point, like as we're going  
18 along talking about negativity and how the onda,  
19 things need to be fixed. One of them was Julian  
20 Romero. That's who we're talking about here, that  
21 had broken the rules of the organization by messing  
22 with another member's woman.

23 Q. When he says, "I told Blue he's still a  
24 carnal, and he told me, I respect you," what is he  
25 talking about there?

1           A.    He's standing up for the other brother and  
2   saying look, the dude is still a carnal. And right  
3   here -- I'm pretty sure right here in this one we  
4   talk about the guy who deserves -- they thought he  
5   deserved to die, but he deserved a violation.

6           Q.    Is that what Mr. Herrera believed?

7           A.    Yes.

8           Q.    Let's continue.

9                   (Tape played.)

10          Q.    Okay. Do you know who was banging at the  
11   door?

12          A.    Yes. When -- now we're talking about  
13   Julian. When Julian was given the violation, was  
14   severely beaten, he started showing weakness,  
15   started screaming for the cop, banging on the door.  
16   So after that, everybody that was supporting him  
17   agreeing that he shouldn't die, he should get a  
18   violation, that's when everybody just turned their  
19   back and said this dude deserves to die now because  
20   he showed a cowardly act.

21          Q.    Let's continue.

22                   (Tape played.)

23          Q.    When people say they're supporting Styx,  
24   are they basically choosing sides between Styx and  
25   Julian?

1 A. Yes. Yes.

2 Q. Let's continue.

3 (Tape played.)

4 Q. Do you know what Mr. Herrera is talking  
5 about when he says, "I told him we need to move  
6 forward"?

7 A. Yes, he was talking about issues in the  
8 organization that needed to be solved, handled, and  
9 that we need to move forward as one car on the same  
10 agenda.

11 Q. Okay. Let's continue.

12 (Tape played.)

13 Q. When he says, "We told Conrad, 'handle  
14 it,' no," what is Mr. Herrera referring to?

15 A. Conrad moved on him, beat him up pretty  
16 bad, real bad.

17 Q. And he beat up Julian Romero?

18 A. Yes, he beat up Julian Romero.

19 Q. And did Mr. Herrera indicate that he was  
20 part of that order when he says, "We told Conrad  
21 handle it"?

22 A. Yes.

23 Q. And at that point did Carlos Herrera have  
24 the power to order something like that?

25 A. Yes. He was on the tabla.

1 Q. Let's continue.

2 (Tape played.)

3 Q. Who is saying that, saying I don't deserve  
4 to die?

5 A. Julian. Julian is pleading his case with  
6 the tabla. And he's stating, you know, he was -- to  
7 my understanding, he was telling them, I'm a  
8 soldier. I put in work for this family. I've done  
9 for this family. I know I messed up, but I don't  
10 deserve to die.

11 In other words, just give me a violation  
12 and let me still make it right with the  
13 organization.

14 Q. Okay. Let's continue.

15 (Tape played.)

16 Q. And what do you understand Mr. Herrera to  
17 mean when he says "this ranfla is an S, not in his  
18 favoritism"?

19 A. In other words, he's saying that rules  
20 should not be broken for nothing. We shouldn't be  
21 favoritizing young brothers because of this or that,  
22 or because they've got money or drugs or influence,  
23 or because they've done hits themselves. They  
24 should all be held accountable for their actions.  
25 If they mess up, rules are rules.



1 Q. Continue.

2 (Tape played.)

3 Q. Do you know who he's talking about when he  
4 says, "He's not a rat, he's never ratted." Who is  
5 that?

6 A. He's talking about Julian. He's talking  
7 about Julian was never chaffa in any way, except  
8 when he broke the rules. But because of the  
9 weakness he had shown when he was told to go to the  
10 shower and wash up after the violation, he did it.  
11 He called for help and the authorities came to help  
12 him. So after that, everyone backed up in  
13 supporting him so they were like -- he was hurt  
14 about that. He was heartbroken.

15 Q. Let's continue.

16 (Tape played.)

17 Q. What's the ranfla?

18 A. The ranfla is our car, the SNM is what  
19 he's stating. We all have to do our part,  
20 basically, for the SNM.

21 You guys already know, more or less, you  
22 know, how the organization probably runs. I've been  
23 up here explaining it all day and stuff. The jefe,  
24 the tabla, the llaveros, the soldiers. We all have  
25 a part to play. Whenever asked, we do it. We don't

1 show weakness, we die. That's the way the rules  
2 are.

3 Q. Let's continue with the next part.

4 (Tape played.)

5 Q. Somebody said "this is a clika." What  
6 does that mean?

7 A. In other words, if you're scared to pick  
8 up a life sentence or die, then you shouldn't join  
9 the clika, because this is what we do. We're on --  
10 excuse my language. When he says we're on G shit;  
11 in other words, he's saying this is what we do. We  
12 murder, we extort, we bulldog. You know what I  
13 mean? We install fear in people. That's what we  
14 do. We're the clika.

15 Q. Let's move on to the next clip.

16 (Tape played.)

17 Q. Okay. Who is supposed to dispose of what?

18 A. Dan Dan was supposed to dispose of the  
19 shanks after the Molina murder, and Blue and him  
20 were having confrontation over that.

21 Q. Let's continue.

22 THE COURT: Would this be a good time for  
23 us to break for the evening, Mr. Castellano?

24 MR. CASTELLANO: Sure, Your Honor. Yes,  
25 sir.

1 THE COURT: All right, ladies and  
2 gentlemen. I appreciate your hard work, your  
3 attention today. I hope those that are feeling  
4 poorly will get some rest and get some medical  
5 attention. I sure appreciate the way you're  
6 working, hard work you're putting in. We all  
7 appreciate it. We'll see y'all in the morning. All  
8 rise.

9 (The jury left the courtroom.)

10 THE COURT: All right. Everyone be seated  
11 for just a moment, then I'll let y'all go too.

12 I'm addressing Ms. Duncan's request for  
13 some ruling in advance about these witnesses they  
14 want to bring from California to deal with  
15 Mr. Duran. Normally, and my gut reaction was that  
16 this is collateral and is getting a little bit far  
17 afield. But I am a little bit sympathetic to, in  
18 this situation, the argument that Mr. Duran's  
19 invocation of the Fifth Amendment maybe deprived,  
20 just a little bit, the defendants of their rights  
21 under 608(b) to inquire into, and thereby obtain  
22 sworn testimony regarding the language of 608(b).  
23 Specific instances of a witness' conduct in order to  
24 attack the witness' character for truthfulness.

25 I think to avoid this thing getting out of

1 hand, I'm going to permit the defendants to call a  
2 single witness, and I think that will remedy any  
3 sort of deprivation. I don't think there has been  
4 any, but I want to avoid the appearance of it being  
5 any deprivation. Don't want to create a trial  
6 within a trial on what I think is a collateral  
7 matter.

8 But because of the unique circumstances  
9 here, to the extent that the existence of  
10 allegations against Mr. Duran created some incentive  
11 for him to lie, to curry favor with the FBI and  
12 thereby avoid consequences or prosecution or as a  
13 result of those allegations, I think the defendants'  
14 single witness would put those allegations in front  
15 of the jury.

16 The Court could exclude and will exclude  
17 additional witnesses and evidence as collateral, so  
18 it's kind of a one-shot thing; put it up, let's move  
19 on.

20 Additionally, I believe that the United  
21 States elicited on direct examination some of the  
22 evidence regarding Mr. Duran's child abuse  
23 allegations. There is an argument that in light of  
24 Mr. Duran's assertions of his right to remain  
25 silent, permitting the defendants to present a

1 limited amount of extrinsic evidence regarding those  
2 allegations is necessary under the rule of  
3 completeness embodied in Rule 106 and 611(a) of the  
4 Federal Rules of Evidence.

5 So I'm going to permit the defendants to  
6 call a single witness to testify regarding  
7 Mr. Duran's child abuse allegations, and then I  
8 think we'll bring that to an end. I think that will  
9 be enough to close any sort of gap here.

10 All right. I appreciate your all's hard  
11 work.

12 I don't know who is talking. Oh, okay.  
13 Yes, Mr. Jewkes. I was surprised to see you here  
14 this afternoon.

15 MR. JEWKES: That's tomorrow afternoon  
16 I'll be gone.

17 THE COURT: Oh, I'm sorry. Good.

18 MR. JEWKES: Your Honor, last evening just  
19 before we broke the issue arose regarding Eric  
20 Duran's involvement in money laundering and the  
21 Government was going to report back.

22 MS. ARMIJO: Well, I don't believe the  
23 Government was going to report back. I believe the  
24 Court asked us to review for Jencks and Giglio.

25 THE COURT: Why don't we deal with this in

1 the morning. Do review the materials and have a  
2 report for me in the morning.

3 MS. ARMIJO: Your Honor --

4 THE COURT: We'll be in recess.

5 (Proceedings concluded at 5:36 p.m.)  
6  
7

8 February 23, 2018  
9

10 THE COURT: All right. Everyone be  
11 seated.

12 Well, good morning, ladies and gentlemen.  
13 We had a little difficulty getting Mr. Cordova here  
14 on time, so that's the reason for the delay. But  
15 we've been using the time well here, so we've been  
16 covering some issues so we've been continuing to  
17 work. So we may take a little bit earlier break, it  
18 may seem early to you, but we've been in here  
19 working while we were waiting for Mr. Cordova to  
20 arrive.

21 Thank you again for being here and on time  
22 and ready to go. I apologize for the gap, but it  
23 was not avoidable so I appreciate it.

24 I know, Ms. Harris, you went -- and you do  
25 have the flu, and we're sympathizing with you. I

1 sure appreciate you being here. If you need to wear  
2 your mask, don't be self-conscience about it. And  
3 you've got Tamiflu. It looks like you're feeling a  
4 little better today, so it must work.

5 But I appreciate you being a trooper and  
6 hanging in with us. So I really appreciate it. I  
7 appreciate all of you. And good Friday morning to  
8 you, and try to get a good day's worth of work in.

9 All right. Mr. Cordova, I'll remind you  
10 that you're still under oath.

11 Mr. Castellano, if you wish to continue  
12 your direct examination of Mr. Cordova, you may do  
13 so at this time.

14 MR. CASTELLANO: Yes, sir, thank you.

15 THE COURT: Mr. Castellano.

16 CONTINUED DIRECT EXAMINATION

17 BY MR. CASTELLANO:

18 Q. Mr. Cordova, we finished yesterday with  
19 Government's Exhibit 194. I'm going to go ahead and  
20 play the third clip from that recording. And before  
21 we start, there is a question you were going to ask,  
22 it says, "No, but they were just saying that he was  
23 supposed to dispose of those, no?" What are you  
24 referring to?

25 A. Dan Dan was supposed to dispose of the

1 shanks after Javier Molina got murdered.

2 Q. Is that what you're asking Mr. Herrera  
3 about?

4 A. Yes. That was the talk in the yard at the  
5 North. And he didn't dispose of them properly and  
6 there was issues there.

7 Q. Okay. Let's begin the recording.

8 (Tape played.)

9 Q. Okay. What's this discussion about  
10 letting somebody out of the room?

11 A. What he says is, "Yes, they effed by  
12 letting him out of the room."

13 Q. Who is "him" who got let out of the room?

14 A. Javier Molina, they let him out of the  
15 room when they were stabbing him. They weren't  
16 supposed to let him out of the room and they let him  
17 out of the room and he made it out, that's what  
18 caused everything, was a big mess.

19 Q. Is that why there is a discussion that it  
20 could have been done better?

21 A. Yeah. He says, "Could have been done  
22 better. Have we done better? Yes. We've done  
23 better and it could have been done better but needed  
24 to happen."

25 Q. What's this discussion about Archie



1 running, telling everybody?

2 A. Yeah, he was running, telling brothers,  
3 "Hey, this Vato's been here for a while, why hasn't  
4 he got handled?" And pushing the issue. But Lazy  
5 already knew, it's already going to get handled.

6 So the reason why it got done so fast and  
7 a little bit sloppy is because at that time, like we  
8 were saying before, there was brothers that weren't  
9 trusted in the onda at that time that needed to get  
10 tapped out. Because there was confidential  
11 information getting sent to administration and he  
12 didn't want that happening. And then another failed  
13 attempt would make him look embarrassed because he's  
14 on the tabla. It would embarrass him.

15 Q. And what would confidential information  
16 have done to the opportunity to kill Javier Molina?

17 A. The administration would have locked down  
18 Javier Molina. They would have missed their  
19 opportunity and things would have kept on going,  
20 kind of what they say is bad in the onda's brothers  
21 escaping their -- escaping their consequences for  
22 messing up.

23 Q. Okay. And now was Archie one of the  
24 people who had just arrived at the facility?

25 A. Yes, he arrived with Marijuano.

1     Marijuano, I guess, brought down the paperwork. But  
2     they were discussing it in the van. They weren't  
3     supposed to be discussing that. That's what the  
4     recordings were saying between me and Rudy, when  
5     they were --

6             MS. BHALLA: Objection, Your Honor. I  
7     don't think this is responsive to the question.

8             THE COURT: Overruled.

9             A. All right. So that's why they were saying  
10    that.

11            THE COURT: Why don't you ask, though,  
12    another question.

13            MR. CASTELLANO: Sure, Your Honor.

14            THE COURT: And not be in a narrative.

15    BY MR. CASTELLANO:

16            Q. So was that some of the concern you  
17    mentioned earlier, that people were already talking  
18    about this when they shouldn't have been?

19            A. Yes. People shouldn't have been talking  
20    about it. Because the only people that should have  
21    known is the people taking the message, the people  
22    giving the message and handing out the hit. That's  
23    it.

24            Q. Let's continue with the recording.

25            MS. DUNCAN: Your Honor, I'm sorry.

1 Before we continue with the recording, could we have  
2 a limiting instruction since we're starting over on  
3 the limited nature of this evidence?

4 MS. JACKS: I would join.

5 THE COURT: All right. And this is still  
6 a conversation with Mr. Herrera, correct?

7 MR. CASTELLANO: Yes, sir.

8 THE COURT: So the jury can only use this  
9 conversation in its deliberation as to the charges  
10 against Mr. Herrera and may not use them in their  
11 deliberations -- in your deliberations as to the  
12 charges against the other three gentlemen.

13 All right, Mr. Castellano.

14 MR. CASTELLANO: Thank you, sir.

15 BY MR. CASTELLANO:

16 Q. We'll continue with the recording.

17 (Tape played.)

18 Q. Okay. What wasn't going to happen on  
19 their watch?

20 A. He says that he didn't want that happening  
21 on their watch. He didn't want confidential  
22 information getting dropped to the administration.  
23 In other words, excuse my language, but it states it  
24 right there, it's some big-ass shit. He didn't want  
25 to be embarrassed because he was on the tabla. And

1 they would have made him look bad because he's on  
2 the tabla, he's an influential member.

3 MS. BHALLA: Your Honor, I'm going to  
4 object to the witness's interpretation of the  
5 statements. That's for the jury to decide. I  
6 understand the Court's ruling on the issue  
7 previously, but I want to renew the objection.

8 THE COURT: Well, put the questions in  
9 what he understands the conversation to be about.  
10 And if he's going beyond that, then probably he  
11 should stop.

12 MR. CASTELLANO: Yes, sir.

13 A. It is what I understand and it is what I  
14 know. I was an SNM member at the time.

15 BY MR. CASTELLANO:

16 Q. Let me ask you this --

17 THE COURT: Try to root it in the  
18 conversation that's being played.

19 Q. So if he says, "That ain't going to happen  
20 on our watch." So in other words, if Javier Molina  
21 doesn't get killed on his watch, does that make him  
22 look bad as a leader?

23 A. Yes, of course.

24 Q. Okay. Let's continue.

25 (Tape played.)

1 Q. So are you expressing to Mr. Herrera  
2 disappointment that Javier Molina had been there for  
3 four years and nothing had happened to him?

4 A. Yes.

5 Q. Let's continue.

6 (Tape played.)

7 Q. So you go back to asking about the  
8 paperwork; is that correct?

9 A. Yes.

10 Q. And when Mr. Herrera says, "Spider, all of  
11 us, Blue, all of us, made that decision, carnal,"  
12 what was that decision?

13 A. That decision is that things have to be  
14 legit. Things can't be falsified. Because in the  
15 past, paperwork had been falsified in the  
16 organization and people got murdered over fake  
17 paperwork. So the paperwork had to be legit. And  
18 they made sure things had to be done right.

19 Q. So there had to be legitimate paperwork in  
20 order to justify the Molina murder?

21 A. Yes.

22 Q. Let's continue.

23 (Tape played.)

24 Q. Okay. So what's this discussion about  
25 leaks? Is this leaks within the SNM?

1           A.     Yes, he was talking about there was leaks,  
2     confidential information leaked out to the  
3     administration about the tabla that was around.  
4     Things being put together in the organization. And  
5     that's what -- basically what he's saying is people  
6     don't need to know. Those that need to know are the  
7     ones that know.

8           Q.     Was the tabla SNM business?

9           A.     Yes, that's -- those are the top five  
10    members that sit down. They discuss any big things  
11    going on within the family and they hand down the  
12    hits, they hand down the violations. And the  
13    llaveros make sure they get done.

14          Q.     If it was SNM business then, was it  
15    something that the administration should have known  
16    about?

17          A.     Yes.

18          Q.     They should or should not have known?

19          A.     No, they shouldn't have not known about.  
20    SNM business, no. Because we always denied to any  
21    law enforcement that we're even SNM, that SNM even  
22    exists.

23                   We're a very secretive organization, and  
24    that's the way we like to keep it, off the radar  
25    from law enforcement. Even people in the streets

1 that don't know us, they don't need to know us. And  
2 we shouldn't advertise it like it's a street gang,  
3 because it not. It's an organization.

4 Q. Let me ask you this question before it  
5 comes up on the transcript. There is a mention of  
6 the word "gente." It said, "Our gente, that was  
7 there, carnal." What's the word "gente" mean?

8 A. Gente means people, it's Spanish for  
9 people.

10 Q. Let's continue the recording.

11 (Tape played.)

12 Q. Mr. Herrera mentioned two names here, Alex  
13 and Juanito. Who are those two people?

14 A. Those are two members of the SNM  
15 organization.

16 Q. Okay. Let's continue.

17 (Tape played.)

18 Q. Okay. What's the term clavo mean again?

19 A. Drugs.

20 Q. And what is he talking about, about  
21 "getting a percentage to the big homie"?

22 A. What he's talking about is taxing other  
23 street gang members or other gang members outside  
24 the ranfla, outside our organization, taxing them a  
25 percentage of all their drugs or any money they make

1 on the streets through drugs. And distributing it  
2 amongst the big homies and breaking it up amongst  
3 the organization, making sure the brothers that need  
4 to get a part of that action, they get a part of  
5 that action, a part of the cut.

6 Q. Let's move to the last clip from this  
7 exhibit.

8 (Tape played.)

9 Q. Okay. What was your understanding of the  
10 SNM's relationship with the Surenos?

11 A. Well, the California Surenos or real  
12 Surenos? And those are the ones we have respect  
13 with because they run under the Eme, the Mexican  
14 Mafia, we're real tight with that organization.

15 But the Surenos in New Mexico have no  
16 recognition by them. And so they're in our  
17 backyard, basically. They're in the SNM's backyard.  
18 So if they're not willing to respect us or pay rent  
19 the way they're supposed to, because they're in our  
20 backyard, then they'll get stabbed. That's what  
21 he's saying.

22 Q. I'm going to take you back to March 6th  
23 and 7th of 2014, and I'm going to start by showing  
24 you Government's Exhibit 162. Do you recognize this  
25 diagram?



1 A. Yes. I'm pretty sure that's Southern.

2 Q. And I'm going to put three letters up  
3 here. Can you tell me if I've marked this correctly  
4 as blue pod, yellow pod and green pod?

5 A. Yes.

6 Q. And for the record, blue pod is the pod  
7 farthest south on the diagram; white pod is farthest  
8 west on the diagram, and green pod is farthest north  
9 on the diagram?

10 A. Yes.

11 Q. Did I get that right?

12 A. Yes.

13 Q. So I'm going to switch over to -- I'm  
14 going to go back to these location histories. Yours  
15 is Government's Exhibit 770, and Mr. Herrera's is  
16 Government Exhibit 769.

17 So starting with yours, which is on the  
18 left, on the screen here. Do you see what I've  
19 highlighted as 12/13 of '13 through 3/18 of '14?

20 A. Yes.

21 Q. And do you know what housing unit this is  
22 for you?

23 A. Yes.

24 Q. What housing unit is that?

25 A. I believe that is Southern New Mexico

1 Correctional Facility, and that's yellow pod. It  
2 runs by the top -- the top tier runs the lower  
3 level -- it starts with the lower numbers, cell 1,  
4 cell 2, I think, because the control centers are on  
5 the top and they look down. And the bottom tier  
6 goes to higher numbers. So it runs from 1 to 8. I  
7 was on one side of the top tier and he was on the  
8 other side of the top tier.

9 Q. When you say "he," who is the other  
10 person?

11 A. Carlos Herrera.

12 Q. I'm going to line up now his housing  
13 history next to yours. I've already highlighted the  
14 dates 4/24 of '13 through 1/17 of '16, and the  
15 numbers look similar to yours, SA1, then the letter  
16 A 108A. And his is SA1, the letter A 102A. So were  
17 you in the same housing unit with Mr. Herrera?

18 A. Yes. And in the same pod.

19 Q. And was your cell 108 and his cell 102?

20 A. Yes.

21 Q. And do you remember if you guys were on  
22 the same tier or different tiers?

23 A. No, we were on the same tier.

24 Q. I'm going to go back to Government's  
25 Exhibit 162. I'll put letters up here again for

1 blue, yellow and green pods.

2 Okay. So you and Mr. Herrera were in the  
3 yellow pod; is that correct?

4 A. Yes.

5 Q. I want to ask you about March 6th, what do  
6 you remember about Lupe Urquizo and Mauricio Varela  
7 arriving at the facility?

8 A. They arrived at the facility in yellow pod  
9 in the bottom tier. And they brought some paperwork  
10 down with them.

11 Q. How did you know they brought paperwork?

12 A. Well, I seen the paperwork, it was in  
13 Lupe's, something had to do with Lupe's paperwork.  
14 It was in between his legal paperwork. There was  
15 only a few pages, and it was in a Manila envelope.  
16 The Manila envelope was teared a little bit at the  
17 top. And it just stated something about him giving  
18 information about a robbery, I guess, that took  
19 place. Two individuals jumping in his car, one  
20 individual from the back seat handed something to  
21 the front seat.

22 The cops went looking for the car, found  
23 the car. And then ended up arresting him on, I  
24 think it was a PV or something, I don't know.

25 Q. When you say "him," who are you referring

1 to?

2 A. To Javier Molina. And then Javier Molina  
3 had assisted the authorities in that investigation  
4 by stating that yes, there was a robbery that took  
5 place. The guys jumped in his vehicle. The guy in  
6 the back handed something to the guy in the front  
7 and then he dropped him off. And that was it. And  
8 I think they arrested him for a probation violation  
9 or something.

10 Q. Who showed you the paperwork?

11 A. Lazy.

12 Q. Is Lazy Carlos Herrera?

13 A. Yes.

14 Q. Did you discuss the paperwork with him?

15 A. Yes.

16 Q. Do you know what happened to the  
17 paperwork? Did it stay in that pod or did it go  
18 anywhere else?

19 A. To be honest with you, I don't know. It  
20 might have went to green pod, but I don't know.

21 Q. So once you saw it, you weren't sure what  
22 happened to it from there?

23 A. No, I wasn't sure what happened to it from  
24 there.

25 Q. What discussion did you have with

1 Mr. Herrera about the paperwork?

2 A. He was just saying, "What do you think  
3 about this vato? Think he needs to go?" And I  
4 said, "The decision is up to you. You're the man.  
5 You call it." And he says, "You back me on this?"  
6 I said, "It's legit. I back you. I got you."

7 Q. So as a good brother, if you know that  
8 this appears to be a legitimate hit, did you  
9 basically give Mr. Herrera your approval or backing  
10 at least because it looked like it should have been  
11 done?

12 A. Yes, it's called political backing. So  
13 that way, if anything else comes down on him and,  
14 "Hey, why did this happen?" He can say, "Nah, we  
15 all -- I had good brothers even look at it and these  
16 good brothers even agreed with it." So it's a  
17 political backing is what it is.

18 Q. So to the extent he was looking for your  
19 backing, is it fair to say that you gave it to him?

20 A. Yes.

21 Q. And what else do you remember about the  
22 environment in the pod? In the recordings, for  
23 example, there was talk about Lupe Urquizo or  
24 Archie, I should say, running around talking to  
25 people.

1           A.     Well, we sat down right in front of  
2 Archie's cell.

3           Q.     And is Archie Mauricio Varela?

4           A.     Yes. Yes, and we sat down and he was  
5 saying through his window, "Why has that vato been  
6 here a long time?" Just stuff like that. Just  
7 indicating the vato had been there for a while, why  
8 hasn't he gotten taken care of?

9                     And then after we went to lockdown for a  
10 count, they would let them out to shower because  
11 they're on orientation. And he was going to  
12 carnals' doors, like, "Why has this vato been here?  
13 Why hasn't he got handled?"

14          Q.     Who is saying that?

15          A.     Mauricio Varela.

16          Q.     And so he's pushing the issue in the pod?

17          A.     Well, the issue was already getting  
18 handled. What he was doing was just kind of letting  
19 brothers know, like, "Come on, man, how embarrassing  
20 is this. This guy has been here a while and he  
21 hasn't got handled. And good brothers like us are  
22 stuck in Santa Fe at the North? You know, it's a  
23 disgrace, come on."

24          Q.     Did Mr. Herrera have a discussion with you  
25 shortly before the murder took place? Did he tell

1 you you should do something?

2 A. Yes. He told me, "Let your people know  
3 we're going to be on lockdown."

4 Q. And what did you take that to mean?

5 A. I already knew what it was. I let my  
6 people know at that time, "Hey, we're going to be on  
7 lockdown. I might not be able to call you for a  
8 while." That was it.

9 Q. All right. Why were you going to be on  
10 lockdown?

11 A. Because Javier Molina was going to get  
12 hit.

13 Q. Did you remember any other statements  
14 Mr. Herrera made about the hit happening, or that it  
15 was going to happen?

16 A. Yes. He said "Blue pod will take care of  
17 it -- blue pod will take care of it and Dan Dan will  
18 make sure it gets done."

19 Q. Why would he mention Dan Dan's name in  
20 conjunction with blue pod?

21 A. Because Dan Dan was an influential member  
22 at the time. I believe he was on the tabla and he  
23 had appointed a llaveroship at the time so he would  
24 make sure it got done.

25 Q. For each of them as llaveros, was it their

1 responsibility to make sure this got done?

2 A. Yes.

3 Q. Was that expected of them because they  
4 were leaders in the SNM?

5 A. Yes.

6 Q. You also mentioned a discussion before  
7 with Daniel Sanchez regarding shanks. What was that  
8 discussion?

9 A. I had the conversation with Lazy about the  
10 paperwork. And then maybe about an hour later, Dan  
11 Dan came to the door and says, "Hey, do you have a  
12 spare fierro?" I told him, "Jablay," just language,  
13 "what's up?" And he's like, "No, it's all good."  
14 Then he left.

15 The conversation only lasts for a few  
16 seconds. Then about maybe 20 minutes later, he came  
17 back and he tells me -- and excuse my language when  
18 I say this, I don't mean to, you know, insult you  
19 guys -- but he says, "We got them from Fat Ass  
20 downstairs. It's all good." At that time I was in  
21 the top tier talking to him at the door. We already  
22 knew who Fat Ass is downstairs. He's talking about  
23 Rudy Perez.

24 Q. After the Molina murder did you get moved  
25 anywhere or did you stay in the pod?



1           A.    I paroled. I stayed in the pod and I  
2 paroled a month and a half later to the streets.

3           Q.    And then eventually did you find yourself  
4 back in prison discussing the Molina hit with other  
5 SNM members?

6           A.    Yes, at the North.

7           Q.    And what was your discussion about Daniel  
8 Sanchez?

9           A.    Daniel Sanchez is -- Blue, I believe, was  
10 kind of hurt with him because he didn't dispose of  
11 the shanks properly after the hit went down, that  
12 was the talk.

13               MS. DUNCAN: Your Honor, I'm going to  
14 object. This is soliciting hearsay.

15               MS. JACKS: I also object and move to  
16 strike. It's blatant hearsay.

17               THE COURT: Well, I am going to strike it.

18               MR. CASTELLANO: I'll rephrase, Your  
19 Honor.

20               THE COURT: That and the prior sentence,  
21 prior testimony is correct, so strike those and the  
22 jury will not consider those.

23 BY MR. CASTELLANO:

24           Q.    Let's focus on what you talked about and  
25 what you agreed to do. So are you having discussion

1 with SNM members about Daniel Sanchez?

2 A. Yes, sir.

3 Q. And from that discussion, did you have  
4 concerns about Daniel Sanchez not having disposed of  
5 the shanks like he was supposed to?

6 A. Well, any good brother would.

7 MS. JACKS: Objection, relevance.

8 THE COURT: Overruled.

9 A. Any good brother would, because when there  
10 is foul play within the onda, you leave a brother  
11 flojas, that's part of the rules. Not supposed to  
12 leave him stranded during the mission.

13 BY MR. CASTELLANO:

14 Q. So as a result of those discussions, how  
15 many SNM members were part of this discussion?

16 A. Probably about a good -- at that time we  
17 were all in the yard together, they had us all at  
18 once. And that talk was going amongst the whole --  
19 probably the whole two pods.

20 Q. Now, as a result of these discussions, did  
21 you agree that something should happen to Daniel  
22 Sanchez or his brother?

23 A. If the brother --

24 MS. JACKS: Objection, Your Honor. I  
25 don't see the relevance of this entire line of

1 questioning.

2 THE COURT: I'm not following it, either.  
3 What is the relevance?

4 MR. CASTELLANO: This is the conspiracy to  
5 murder Daniel Sanchez for not following -- for not  
6 disposing the shanks, Your Honor. This has been  
7 testified to previously.

8 THE COURT: And what's the relevance of  
9 this?

10 MR. CASTELLANO: Relevance? Well, through  
11 the testimony, Mr. Armenta was supposed to give the  
12 shank to Daniel Sanchez and Daniel Sanchez did not  
13 take the shanks. And Armenta threw them in the  
14 trash can. And so this is the discussion from other  
15 members about Mr. Sanchez not following through with  
16 part of the plan.

17 THE COURT: All right. Overruled.

18 MS. JACKS: Well, Your Honor, I don't see  
19 how that relates to any of the charged crimes here.

20 THE COURT: Why don't y'all approach?  
21 Let's do this.

22 (The following proceedings were held at  
23 the bench.)

24 THE COURT: Tell me, if I allow this  
25 testimony in, what are you going to turn to the jury

1 and say in closings about how this is relevant to  
2 the charges here?

3 MR. CASTELLANO: Well, Daniel Sanchez had  
4 agreed -- there is already testimony that Daniel  
5 Sanchez agreed to get rid of the shanks, Armenta's  
6 shanks. Mr. Rodriguez was supposed to get rid of  
7 Jerry Montoya's shank. And Daniel Sanchez had  
8 agreed to do so as part of the murder conspiracy.  
9 That was one of the roles that Daniel Sanchez  
10 played. And I believe Mr. Rodriguez testified that  
11 when everything happened, Mr. Armenta turned to give  
12 the shank to Daniel Sanchez and Daniel Sanchez just  
13 told him to throw it in the trash. And so Mr.  
14 Rodriguez did not do as he was supposed to do as  
15 part of the murder conspiracy.

16 And we've already had one other witness, I  
17 believe Roy Martinez testified about this, that  
18 there was a discussion that they were going to hit  
19 Daniel Sanchez but Daniel Sanchez went out of state  
20 so the discussion turned to killing his brother  
21 Ronald Sanchez for his failure to back his brothers.  
22 There has already been testimony on this issue in  
23 this trial.

24 MS. JACKS: It's cumulative, but also the  
25 relevance.

1 THE COURT: I think it's relevant. I  
2 think we're beginning to really run on fumes here.  
3 I can see a marginal relevance. Let's try to get in  
4 and out of here. I think we've made our point to  
5 the jury.

6 MS. DUNCAN: My other objection is: This  
7 is totally based on hearsay, whether he decided to  
8 hit Dan Sanchez based on what other people told him  
9 Dan Sanchez did or didn't do.

10 THE COURT: So if you want me to give a  
11 limiting instruction on this -- but I mean, if he's  
12 acting on things that are said, if you can avoid  
13 having him testify about what is said, you can avoid  
14 a limiting instruction. But if we can confine it to  
15 what he did, I don't think a limiting instruction is  
16 necessary. But I do think they are more commands  
17 than instructions, so they're not really hearsay --  
18 just do something. So I'm not quite sure -- to the  
19 extent that there might be some, I can do a limiting  
20 instruction, but I think they're more commands than  
21 instructions, so they're not hearsay.

22 MS. DUNCAN: The marginal relevancy I'm  
23 talking about is only based on hearsay, based on  
24 someone telling him Daniel Sanchez was supposed to  
25 dispose of the shanks and he didn't, so hit him.

1 I think that the answer is suggesting the  
2 truth of the hearsay that this witness relied on to  
3 decide that he wanted to hit Dan Sanchez.

4 THE COURT: Well, we'll just have to take  
5 it a question at a time. I can't label the entire  
6 category here as hearsay. Some of it seems to be  
7 instructions and directions and other, maybe,  
8 hearsay so --

9 MR. CASTELLANO: It goes to this witness'  
10 state of mind in terms of his agreement that certain  
11 things should be done within the S.

12 THE COURT: If it's coming in just for  
13 state of mind, if that's what you're trying to  
14 prove, then I think you're entitled to a limiting  
15 instruction.

16 MR. CASTELLANO: Which is fine. It's  
17 already in through another witness, so . . .

18 MS. JACKS: His state of mind is  
19 irrelevant. I mean, what is the relevance?

20 THE COURT: I prefer that we limit it to  
21 what he is doing.

22 MR. CASTELLANO: Sure.

23 THE COURT: If we can just say what he's  
24 doing rather than trying to get into the information  
25 itself, it would make a cleaner record.

1 MR. CASTELLANO: That's fine.

2 THE COURT: Let's try to get in and get  
3 out of there. This is getting kind of marginally  
4 relevant.

5 (The following proceedings were held in  
6 open court.)

7 THE COURT: All right. Mr. Castellano.

8 BY MR. CASTELLANO:

9 Q. Based on these discussions, Mr. Cordova,  
10 did you agree that Mr. Sanchez or his brother should  
11 be hit for this failure?

12 A. What I told the brothers there is that if  
13 he --

14 THE COURT: Why don't you --

15 MS. JACKS: Objection. Nonresponsive.

16 THE COURT: Just hold on.

17 THE WITNESS: Yes.

18 THE COURT: Just answer the questions yes  
19 or no.

20 A. Yes.

21 THE COURT: Overruled.

22 MR. CASTELLANO: May I have a moment, Your  
23 Honor?

24 THE COURT: You may.

25 MR. CASTELLANO: Thanks, Your Honor. I

1 pass the witness.

2 THE COURT: Thank you, Mr. Castellano.

3 Who is going to go first? Mr. Villa?

4 MR. VILLA: Yes, Your Honor.

5 THE COURT: Mr. Villa.

6 MS. BHALLA: Your Honor, if I may? I  
7 apologize. Our monitor is not working over here,  
8 Your Honor.

9 THE COURT: All right. We'll try to get  
10 somebody up to look at it.

11 MR. VILLA: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. VILLA:

14 Q. Good morning, Mr. Cordova.

15 A. Good morning.

16 Q. You testified yesterday regarding the  
17 incident that you had at MDC in which you were able  
18 to open a cell door so that you could assault an  
19 inmate. Do you remember that?

20 A. Yes. At MDC, I did.

21 Q. And I think you talked about how, in that  
22 situation we saw your records that Mr. Castellano  
23 showed you, you were convicted of resisting arrest  
24 and that was it?

25 A. Evading and obstructing of a peace



1 officer, yes.

2 Q. Okay. And you might need to just get a  
3 little bit closer to the microphone so we can hear  
4 you.

5 A. Sorry about that.

6 Q. That's okay.

7 I believe it was your testimony that one  
8 of the ways you were able to do that, at least to  
9 get to the guards' keys, was you know how to  
10 manipulate the system?

11 A. Yes, that's part of the SNM rules, is we  
12 all were -- we're schooled on that.

13 Q. But you know how to manipulate the system?

14 A. Yes, I do.

15 Q. And I think you also testified one of the  
16 reasons that you were only convicted of the crime  
17 you were convicted of is you know how to work the  
18 law?

19 A. Yes.

20 Q. And it also just so happened that when  
21 Agent Acee came to see you in January of, I believe  
22 it was 2016, you were at MDC; right?

23 A. Yes.

24 Q. Same place where this other incident had  
25 occurred?

1 A. Yes, sir.

2 Q. And Agent Acee told you he was looking at  
3 you for a RICO charge, didn't he?

4 A. Yes, sir.

5 Q. You had been in custody at that time at  
6 MDC for about a year and a month. Is that right?

7 A. No, that's not correct.

8 Q. How long had you been in custody at the  
9 time Agent Acee came to see you?

10 A. About a year and a couple of months.

11 Q. Okay. Excuse me. So you'd been at MDC  
12 come January 2016 for about a year and a couple  
13 months; right?

14 A. No, sir.

15 Q. Okay. I guess maybe we're just not  
16 understanding each other. At the time Agent Acee  
17 came to see you in January 2016, how long had you  
18 been in custody at MDC?

19 A. I'd been in custody from the end of  
20 November, or I should say Thanksgiving, to around  
21 that time, January.

22 Q. So are we just talking few months or are  
23 we talking a year and a few months?

24 A. No, we're talking a few months. I was in  
25 the Department of Corrections because I was

1 finishing off my parole.

2 Q. Before Agent Acee came to see you, when  
3 was the last time you'd been out on the street?

4 A. The last time was in December 3rd of 2014.

5 Q. And Agent Acee came to see you January of  
6 2016?

7 A. I believe so.

8 Q. So the last time you'd been out on the  
9 street was a year and a month, give or take?

10 A. Yes, sir.

11 Q. And you had just gone to trial, had you  
12 not, on the murder charge?

13 A. Yes, sir.

14 Q. You were found guilty of manslaughter?

15 A. Yes, sir.

16 Q. And that was a case involving an  
17 individual named Ray Gurule; is that right?

18 A. Yes, sir.

19 Q. That's who you were found guilty of  
20 killing?

21 A. Yes, sir.

22 Q. Did you kill Mr. Gurule?

23 A. No, sir.

24 Q. So you're telling this jury that even  
25 though a jury found you guilty, you're not guilty?

1           A.     They found me guilty on aiding and  
2 abetting and manslaughter. Eight jurors thought I  
3 was innocent, four of them said something happened.  
4 It was more of an agreement to sit down and say,  
5 "Well, we feel there is some kind of fault there.  
6 He was around the area, and more than likely  
7 something happened, so we'll get him with aiding and  
8 abetting and manslaughter." That's what was done.

9           Q.     So you're saying you were just around the  
10 area, something must have happened; and therefore,  
11 they convicted you of aiding and abetting  
12 manslaughter?

13          A.     I was involved in the altercation that  
14 took place.

15          Q.     That ended in Mr. Gurule's death?

16          A.     Yes, sir.

17          Q.     And the jury found you guilty for that?

18          A.     Yes, sir.

19          Q.     And at the time Agent Acee came to see  
20 you, you were awaiting your sentencing, correct?

21          A.     Yes, sir.

22          Q.     What was your sentence?

23          A.     My sentence was -- I still had one more  
24 trial, as a matter of fact, to take place. It was a  
25 felon in possession of a firearm.

1 Q. Mr. Cordova, let me get you to answer my  
2 question. My question was: What was your sentence  
3 on the manslaughter?

4 A. My sentence is seven years.

5 Q. Seven years. And then you had another  
6 trial that was coming up; right?

7 A. Yes.

8 Q. And Agent Acee came to see you while all  
9 this was going on, while you're in jail, and said  
10 that he was looking at you for a RICO Act?

11 A. Yes, sir.

12 Q. The RICO is the racketeering statute;  
13 right?

14 A. Yes, sir.

15 Q. You knew by then, didn't you, that many of  
16 the members of SNM had been indicted by the feds for  
17 RICO?

18 A. Yes, sir.

19 Q. Because you saw some of them just a couple  
20 months earlier at MDC; right?

21 A. Yes, sir.

22 Q. And Agent Acee told you that they had just  
23 picked up some SNM members on a RICO Act and that  
24 they were going to do a second indictment and they  
25 were looking at you for that?

1 A. Yes, sir.

2 Q. He told you that you could be facing the  
3 death penalty, didn't he?

4 A. No, sir.

5 Q. He never told you that?

6 A. No, sir.

7 Q. Was there ever a point in time where  
8 anybody told you that you might be facing the death  
9 penalty?

10 A. No, sir.

11 Q. Did Agent Acee tell you you were facing a  
12 life sentence?

13 A. No, sir.

14 Q. Was there ever a point in time that  
15 anybody from the federal government told you you  
16 were facing a life sentence?

17 A. No sir.

18 MR. VILLA: Your Honor. I'd like to play  
19 for the jury Exhibit 747.

20 MS. BHALLA: Z.

21 MR. VILLA: Excuse me. Z47.

22 THE COURT: All right.

23 BY MR. VILLA:

24 Q. Before we get to that, Mr. Cordova, you've  
25 made phone calls to family members over the phone

1 through the prison and jail system?

2 A. Yes.

3 Q. You know that those phone calls are  
4 recorded?

5 A. Yes, sir.

6 Q. I'll go ahead and play this call,  
7 Mr. Cordova, that I'll represent to you was made on  
8 July 29, 2016.

9 (Tape played.)

10 Q. Did you hear the name that the inmate  
11 gave, Shadow?

12 A. Yes.

13 Q. Is that you?

14 A. Yes.

15 Q. And, I'm sorry, I'm just not picking you  
16 up on the mic very well.

17 A. Yes, sir.

18 Q. So Shadow is you?

19 A. Yes, sir.

20 Q. You recognize your voice?

21 A. Yes, sir.

22 Q. You recognize that prison recording?

23 A. Yes, sir.

24 Q. Please continue playing.

25 (Tape played.)

1 Q. Mr. Cordova, is that your voice?

2 A. Yes, sir, it is.

3 Q. And did you not just say, "The feds came  
4 and told me I'm facing another life sentence,  
5 possibly the death penalty"?

6 A. Yes, sir.

7 Q. You made that statement?

8 A. Yes, sir.

9 Q. Continue.

10 (Tape played.)

11 Q. Did you hear, Mr. Cordova, you say that  
12 "They're starting to threaten my family"?

13 A. Yes, sir.

14 Q. And you said that?

15 A. Yes, sir.

16 Q. Please continue.

17 (Tape played.)

18 Q. Did you hear the individual that you were  
19 speaking to?

20 A. Yes.

21 Q. Can you tell the jury who that is?

22 A. That's my wife.

23 Q. And what's your wife's name?

24 A. Crystal Salas.

25 Q. Crystal Salas?



1 A. Yes.

2 Q. So Mr. Cordova, on July 29, 2016, you had  
3 this call with your wife Crystal?

4 A. Yes.

5 Q. And July 29, 2016 is after January of  
6 2016, when Mr. Acee came to see you?

7 A. Yes.

8 Q. Please continue.

9 (Tape played.)

10 Q. Mr. Cordova, did you also hear yourself  
11 say that you were telling Crystal that you weren't  
12 weak or you weren't a pussy?

13 A. Yes, sir.

14 Q. You're saying that in the context of the  
15 fact that you cooperated with the federal  
16 government; right?

17 A. Yes, sir.

18 Q. And you decided to walk away from  
19 something that wasn't worth, in your words, "a  
20 fuck"?

21 A. Yes, sir.

22 Q. And that being the SNM?

23 A. Yes, sir.

24 Q. So in your mind, that was part of the  
25 reason for going to work for Mr. Acee?

1 A. Yes, sir.

2 Q. And also, at least according to your  
3 conversation with your wife, you were threatened  
4 with a life sentence or the death penalty.

5 A. I lied. That's not what happened.

6 Q. You lied to your wife?

7 A. Yes, sir.

8 Q. Is that what you're telling the jury?

9 A. Yes, sir.

10 Q. And I'm sorry, I'm just not picking you up  
11 very well on the mike. Maybe if we turn it a  
12 little.

13 A. Yes, I lied to my wife.

14 Q. Now, you also said, did you not, that the  
15 feds had threatened your family; right?

16 A. Also, I lied.

17 Q. So you lied to your wife?

18 A. Yes, sir.

19 Q. Well, let's talk a little bit about those  
20 lies. You said -- at some point did you not tell  
21 your wife that they had threatened her?

22 A. I was telling her that through me.

23 Q. I understand. But you said to your wife  
24 that the feds were threatening to prosecute her?

25 A. At that time I was conflicted with what I

1 was doing.

2 Q. Mr. Cordova, let me get you to answer my  
3 question. Okay?

4 A. Yes.

5 Q. So you told your wife that?

6 A. Yes.

7 Q. And you told your wife that she could end  
8 up in jail?

9 A. Yes.

10 Q. Or potentially go to prison?

11 A. Yes.

12 Q. And you told her that that was one of the  
13 reasons you went to work for the federal government,  
14 to protect her?

15 A. Yes.

16 Q. That was a lie?

17 A. Yes.

18 Q. Did you not also tell your mother that the  
19 part of the deal you were getting from the feds is  
20 that they wouldn't go after your mother?

21 A. Yes.

22 Q. Because your mother had gotten in trouble,  
23 didn't she?

24 A. Yes.

25 Q. She got in trouble for trying to bring you

1 drugs to the prison?

2 A. Not me.

3 Q. To somebody in the prison?

4 A. Yes.

5 Q. And the state case for that was dismissed,  
6 was it not?

7 A. Yes, sir.

8 Q. But there hadn't been a federal case yet  
9 against your mom?

10 A. No, sir.

11 Q. And you told your mom that part of the  
12 deal you were getting was that she wasn't going to  
13 get prosecuted?

14 A. Yes, sir.

15 Q. And then Crystal wasn't getting  
16 prosecuted?

17 A. Yes, sir.

18 Q. Was that a lie to your mother too?

19 A. Yes, sir.

20 Q. And did you not tell Crystal that if they  
21 hadn't screwed with her -- and pardon my language --  
22 hadn't messed with her and your mom, that you would  
23 have told them to go fuck themselves?

24 A. Yes, sir.

25 Q. And you're saying that's a lie too?

1 A. Yes, sir.

2 Q. So let's go back then to when Agent Acee  
3 came. After he told you that they were looking at  
4 you for the second indictment, the second round of  
5 the RICO case, you ultimately made a decision to go  
6 work for the federal government; right?

7 A. Yes, sir.

8 Q. You certainly didn't want to get  
9 prosecuted for a RICO case?

10 A. No, sir.

11 Q. You didn't want to do more prison time,  
12 did you?

13 A. No, sir.

14 Q. And there was an agreement made that if  
15 you worked for the government, you would have  
16 immunity from anything that you had done for the  
17 SNM?

18 A. Yes, sir.

19 Q. Any of the crimes that we've heard over  
20 the last day or so?

21 A. Yes, sir.

22 Q. As a matter of fact, you have not been  
23 prosecuted for any of these crimes, have you?

24 A. No, sir.

25 Q. As you sit here today, the federal

1 government has not charged you with any crimes at  
2 all?

3 A. No, sir.

4 Q. And that was what you hoped for when you  
5 decided to go work for the federal government;  
6 right?

7 A. Yes, sir.

8 Q. Mr. Cordova, within just a couple of days,  
9 I think it was your testimony, of meeting with Agent  
10 Acee, you were moved to the Penitentiary of New  
11 Mexico, correct?

12 A. Yes, sir.

13 Q. From the Metropolitan Detention Center in  
14 Albuquerque?

15 A. Yes, sir.

16 Q. Your case in Albuquerque wasn't done, you  
17 still had to go to court to get sentenced; right?

18 A. Yes, sir.

19 Q. But the Government was able to move you to  
20 PNM and put you next to Mr. Perez; right?

21 A. I still owed parole in the Department of  
22 Corrections. That's where I was housed at. I was  
23 only at MDC for court on my trial for my murder.  
24 That was it. But I was originally housed at the  
25 Penitentiary of New Mexico in Santa Fe.

1 Q. And when you got taken to PNM after you  
2 met with Agent Acee --

3 A. Taken back to PNM.

4 Q. Yes, sir. After meeting with Agent Acee,  
5 you were immediately placed right next to Mr. Perez?

6 A. Yes, sir.

7 Q. And that was in, I think it was the Q pod,  
8 correct?

9 A. Yes, sir.

10 Q. Previous to that, you had been at PNM in  
11 the fall of 2015, in the same area; right? PNM  
12 North.

13 A. Yes, sir.

14 Q. Were you in X pod at that time?

15 A. Yes, sir.

16 Q. And Mr. Perez was also in X pod for a  
17 period, wasn't he?

18 A. Yes, sir.

19 Q. And I think you just testified a little  
20 bit about some of the conversations that were going  
21 on, right there at the end of your direct  
22 examination, that basically both pods were sort of  
23 talking about Molina; right?

24 A. Yes, sir.

25 Q. And what happened down in Southern with

1 the murder; right?

2 A. Yes, sir.

3 Q. And who was involved?

4 A. Yes, sir.

5 Q. Who the players were?

6 A. Yes, sir.

7 Q. Everybody was just sort of talking about  
8 that in the fall of 2015?

9 A. Yes, sir.

10 Q. And you, of course, knew a little bit  
11 about what had happened because you'd been in -- at  
12 least had been in yellow pod when Mr. Molina was  
13 killed in the blue pod; right?

14 A. Oh, I knew what all happened. I was in  
15 the yard. After the murder when they would take us  
16 to yard and people would talk out there. And I was  
17 there when Lazy told me.

18 Q. No.

19 A. I'm just explaining, because you're saying  
20 that, you know.

21 Q. If I ask you to explain, you're happy to  
22 explain. But let me just get you to answer my  
23 question, okay?

24 A. All right.

25 Q. You had knowledge about Mr. Molina's death



1 not just from what you saw yourself, but what you  
2 heard from other people, correct?

3 A. Yes, sir.

4 Q. And you would agree with me that from the  
5 time Mr. Molina had been killed, that people were  
6 talking about it?

7 A. Yes, sir.

8 Q. So if we fast forward through 2014, after  
9 Mr. Molina is killed, and through 2015 in the fall,  
10 when you had been at the Penitentiary of New Mexico,  
11 you had a lot of information about the Molina  
12 homicide; right?

13 A. Yes, sir.

14 Q. And I think it was your testimony that  
15 before you got the recording device to record  
16 Mr. Perez, you were placed next to him for about a  
17 week; right?

18 A. Before? Yes.

19 Q. So you get to PNM, Mr. Perez is your  
20 neighbor; right?

21 A. Yes, sir.

22 Q. Then about a week goes by before they can  
23 give you this recording device?

24 A. Yes, sir.

25 Q. So you had an opportunity to speak to

1 Mr. Perez before you ever got the recording device?

2 A. Yes, sir.

3 Q. And you knew, did you not, at the time you  
4 started recording Mr. Perez, that there was rumors  
5 about Mr. Perez' cooperation?

6 MR. CASTELLANO: Objection, hearsay.

7 MR. VILLA: And again, Your Honor, this  
8 isn't being offered for the truth.

9 THE COURT: Well, we're just going to try  
10 to find out if there were rumors, you're not to  
11 consider the rumors. If he testifies that there are  
12 for the truth of the matter, you can only consider  
13 it for the fact that there was a rumor out there and  
14 that it existed. And then you can consider that if  
15 anybody acted on it. Why don't you ask, first of  
16 all, if he knows.

17 BY MR. VILLA:

18 Q. Mr. Cordova, did you know that there were  
19 rumors about Mr. Perez being a cooperator?

20 A. What was said is, "Why was Dan Dan shipped  
21 out of state?" Because Dan Dan got the --

22 Q. Mr. Cordova, let me ask you a yes or no  
23 question, okay? Before you start --

24 MS. JACKS: Strike the answer because it  
25 appears to be hearsay.

1 THE COURT: Do you want that answer?

2 MR. VILLA: That was not what I was trying  
3 to elicit, Your Honor.

4 THE COURT: All right. So I'll strike the  
5 answer as nonresponsive. So the jury should not  
6 consider that testimony.

7 A. Yes. There was rumors.

8 BY MR. VILLA:

9 Q. Okay. Mr. Cordova, you understood there  
10 were rumors that Mr. Perez was cooperating?

11 A. Yes, sir.

12 Q. And meaning that he had talked to somebody  
13 about what happened with Molina?

14 A. Well, they didn't know that for sure.  
15 They were --

16 Q. No, no, no. I'm just trying to clarify  
17 that it was a rumor.

18 A. It was just an assumption because of the  
19 way things went down. That's all it was.

20 Q. The assumption was that Mr. Perez was  
21 cooperating.

22 A. Yes.

23 Q. And when I say "cooperating," I mean about  
24 Molina.

25 A. Yes.

1 Q. As opposed to some other issue.

2 A. Yes, sir.

3 Q. Okay. And he was scared, wasn't he, about  
4 these rumors?

5 A. He didn't appear to be scared to me.

6 Q. Let me ask you this: You knew, before you  
7 started recording Mr. Perez, that he knew about the  
8 rumors?

9 A. Yes.

10 Q. And you used that, did you not, to get  
11 Mr. Perez to talk to you about Molina?

12 A. Yes.

13 Q. I think you described that as a pressure  
14 point.

15 A. Yes.

16 Q. So that was a pressure point that you used  
17 to get Mr. Perez to talk to you?

18 A. Yes.

19 Q. Because you were tasked by Agent Acee to  
20 try to get Mr. Perez to talk about Molina; right?

21 A. Yes, he asked me --

22 Q. The answer is yes; right, Mr. Cordova?

23 A. Yes.

24 Q. Okay. And do you agree with me that you  
25 understood that somebody was going to move on

1 Mr. Perez?

2 A. No.

3 Q. So --

4 A. Nobody was going to move on Mr. Perez.

5 Q. So you disagree that -- with the statement  
6 that they were going to move on Mr. Perez because he  
7 thought -- because they thought he was talking?

8 A. Yes.

9 Q. You disagree with that?

10 A. Yes.

11 Q. Do you agree -- do you disagree with the  
12 statement that they were going to move on Mr. Perez  
13 because they thought he was a cooperator?

14 A. Yes, I disagree because there was never  
15 proof.

16 Q. So Mr. Cordova, this isn't the first time  
17 you've testified about this, is it?

18 A. No, sir.

19 Q. You've given testimony in this case  
20 before?

21 A. Yes, when you guys pulled me out.

22 Q. So Mr. Cordova, the answer is yes; right?

23 A. What's yes?

24 Q. That you've given testimony in this case  
25 before? Yes or no.

1 A. Yes.

2 Q. And the testimony was in this courtroom?

3 A. Yes.

4 Q. It might have been -- it was in this  
5 building?

6 A. It was in this building, I know that.

7 Q. In front of Judge Browning?

8 A. Yes, sir.

9 Q. And you took an oath to tell the truth at  
10 that hearing, correct?

11 A. Yes, sir.

12 Q. And you testified to Judge Browning?

13 A. Yes, sir.

14 Q. And I assume when you were testifying to  
15 Judge Browning that you took your oath to tell the  
16 truth seriously.

17 A. Yes, sir.

18 Q. It's the same oath that you took in this  
19 trial?

20 A. Yes, sir.

21 Q. The same oath that Judge Browning --

22 A. It's the same oath.

23 Q. Okay. Then let me ask you another  
24 question, Mr. Cordova. It's the same oath that  
25 Judge Browning reminds you about each time we come

1 back from a break?

2 A. Yes, sir.

3 Q. The oath that you're under right now?

4 A. Yes, sir.

5 MR. VILLA: May I approach, Your Honor?

6 THE COURT: You may.

7 BY MR. VILLA:

8 Q. Mr. Cordova, I'm showing you a transcript  
9 of that hearing that we had back in December. Do  
10 you remember that?

11 A. Yes, sir.

12 Q. It says up here that it's Billy Cordova?

13 A. Yes, sir.

14 Q. Okay. So I'm going to flip over to paper  
15 241 of that transcript. Do you see this?

16 A. Yes, sir.

17 Q. Okay. I'm going to read your answer here.  
18 You said, "When we were at the North everybody was  
19 talking. They even thought he was talking." You're  
20 talking about Mr. Perez?

21 A. Yes, sir.

22 Q. "They were going to move on him because  
23 they thought he was talking."

24 A. Yes, sir.

25 Q. You said that?

1 A. Yes, sir.

2 Q. Now, I'm going to flip over to page 242.

3 Do you remember I asked you the question, "You used  
4 the term they were going to move on him; right? Did  
5 I say that right?"

6 A. Yes, sir.

7 Q. And you answered, "You said that right."

8 A. Yes, sir.

9 Q. And then I asked you, "And so they were  
10 going to move on him, meaning members of the SNM  
11 were going to move on Mr. Perez because they thought  
12 he was cooperating?"

13 And you answered, "Yes."

14 A. Yes.

15 Q. That was your testimony?

16 A. Yes, sir.

17 Q. Mr. Cordova, you would agree with me that  
18 that hearing occurred December 12, 2017?

19 A. Yes, sir.

20 Q. Is that when you gave that testimony that  
21 I just read to you?

22 A. Yes, sir.

23 Q. And maybe it was the 11th or the 13th, but  
24 around that time?

25 A. Around that time.



1 Q. Right? And about that time, you used  
2 drugs in the prison where you were incarcerated,  
3 didn't you?

4 A. Yes, sir.

5 Q. You used Suboxone?

6 A. Yes, sir.

7 Q. Methamphetamine?

8 A. Yes, sir.

9 Q. Heroin?

10 A. Yes, sir.

11 Q. And spice?

12 A. Yes, sir.

13 Q. And spice is like synthetic marijuana;  
14 right?

15 A. Yes, sir.

16 Q. And all of those things that you used  
17 about that time when you gave that testimony are  
18 illegal; right?

19 A. Yes, sir.

20 Q. Did you use them during that hearing?

21 A. No, sir.

22 Q. Before that hearing?

23 A. Yes, sir.

24 Q. You used them before that hearing?

25 A. Not that day, but the time prior to it in

1 the prison system, yes.

2 Q. And we're talking just a couple of days  
3 before this hearing; right?

4 A. About two weeks before that hearing.

5 Q. Okay. About two weeks before that hearing  
6 you used those drugs?

7 A. Yes, sir.

8 Q. And you testified at that hearing about  
9 your drug use, didn't you?

10 A. Yes, sir.

11 Q. And you testified under that same oath,  
12 the same oath that you took today, that you hadn't  
13 used drugs in two years, didn't you?

14 A. No.

15 Q. So, time out. Your answer was no?

16 A. No.

17 Q. Okay. So you didn't give that testimony  
18 at that hearing?

19 A. You guys asked me, "When is the last  
20 time --

21 Q. Mr. Cordova, let me ask you the question,  
22 okay? To make sure you understand. It's a yes or  
23 no question. Are you telling this jury that you did  
24 not testify at that hearing that you hadn't used  
25 drugs in a couple of years?

1 A. No.

2 Q. You didn't say that?

3 A. No.

4 Q. Mr. Cordova, I'm showing you the  
5 transcript again; right? Do you see it?

6 A. Yes, sir.

7 Q. And if you need to move the mic, that's  
8 fine. So Mr. Cordova, at that hearing I asked you  
9 the question: "Putting aside the prescription pill  
10 issue, I'm talking about illegal drugs. When was  
11 the last time you used an illegal drug?" I asked  
12 that question; right?

13 A. Yes, sir.

14 Q. And your answer was "An illegal drug?  
15 It's been a good minute." You said that; right?

16 A. Yes, sir.

17 Q. And I asked you, "What is a good minute?"  
18 Didn't I?

19 A. I think what I was understanding --

20 Q. Mr. Cordova, did I ask you: "What is a  
21 good minute?"

22 A. I might have misunderstood the question.

23 Q. Hang on. You'll get a chance to explain.

24 A. All right.

25 Q. Okay? But my question to you --

1 A. If that's what it says there, then that's  
2 what I said.

3 Q. Okay. And your answer was, "A good minute  
4 is like about a couple of years ago."

5 A. Yes, sir.

6 Q. You said that.

7 A. That's what it says.

8 Q. And then I asked you the question, "A  
9 couple years ago?" Right?

10 A. That's what it says.

11 Q. And you said, "Yes, sir"?

12 A. Yes, sir.

13 Q. And just to be sure, I asked you, "And you  
14 haven't used any illegal drugs or nonprescribed  
15 drugs intentionally since then; right?"

16 A. I guess that's what it says right there.

17 Q. And your answer was, "Yes, sir"?

18 A. Yes, sir.

19 Q. And I guess, Mr. Cordova, that when you  
20 gave those answers, you gave them under the same  
21 oath that you took today?

22 A. Yes, sir.

23 Q. The oath that Judge Browning gave you and  
24 reminded you about?

25 A. Yes, sir.

1 Q. And you would agree with me that the drugs  
2 that you took before that hearing, that you just  
3 told the jury you took before that hearing, were  
4 illegal drugs?

5 A. Yes, sir.

6 Q. That were not prescribed?

7 A. Yes, sir.

8 Q. Nobody prescribed you Suboxone?

9 A. No, sir.

10 Q. Nobody prescribed you methamphetamine?

11 A. No, sir.

12 Q. Nobody prescribed you heroin?

13 A. No, sir.

14 Q. Nobody prescribed you spice?

15 A. No, sir.

16 Q. At the time you got next to Mr. Perez, you  
17 knew that he was not in good health?

18 A. Yes, sir.

19 Q. You knew that he had to go to medical  
20 quite often?

21 A. Yes, sir.

22 Q. And when he went to medical, they would  
23 take him out of the cell and take him away to go see  
24 a doctor or a nurse or somebody?

25 A. Yes, sir.

1 Q. And you knew that at the time that you  
2 talked to Mr. Perez, the recordings that we saw is  
3 the timeframe we're talking about, that he took a  
4 lot of medication?

5 A. Yes, sir.

6 Q. You knew about at least three of them?

7 A. Yes, sir.

8 Q. And that he needed a wheelchair every time  
9 he had to leave the cell to go to medical or  
10 somewhere else?

11 A. Yes, sir.

12 THE COURT: Mr. Villa, would this be a  
13 good time? We've been going about an hour and a  
14 half, but the jury hasn't been in here that long,  
15 but I need to give Ms. Bean a break.

16 MR. VILLA: Yes, Your Honor.

17 THE COURT: Would this be a good place?  
18 All right. We'll be in recess for about 15 minutes.  
19 All rise.

20 (The jury left the courtroom.)

21 THE COURT: All right. We'll be in recess  
22 for about 15 minutes.

23 MR. VILLA: Can we take up something  
24 outside the presence of the jury after the recess?

25 THE COURT: Yeah, let's do it afterwards.

1 (The Court stood in recess.)

2 THE COURT: All right. Let's go on the  
3 record. Mr. Villa, Ms. Fox-Young, you had something  
4 you want to raise before we bring the jury in?

5 MR. VILLA: Yes, Your Honor. And I'd like  
6 to do it outside the presence of the witness, so we  
7 could approach the bench, if you'd like.

8 THE COURT: Why don't y'all approach,  
9 here.

10 (The following proceedings were held at  
11 the bench.)

12 MR. VILLA: Your Honor, Mr. Cordova just  
13 testified that he was not being truthful at the  
14 suppression hearing. He testified that a couple  
15 weeks before the suppression hearing, he used  
16 Suboxone, methamphetamine, heroin and spice, and  
17 that he testified at the suppression hearing that he  
18 hadn't used drugs in over two years. And that this  
19 Court, in denying Mr. Perez' motion to suppress,  
20 found Mr. Cordova credible, I assume in part based  
21 upon his testimony and what the Court observed.

22 Now that he's admitted that he was not  
23 truthful at that hearing, we're asking you to  
24 reconsider your ruling and find Mr. Cordova was not  
25 credible and grant Mr. Perez' motion to suppress.

1 THE COURT: All right. Well, I'll deny  
2 that motion. I didn't find Mr. Perez credible.  
3 Here, I don't know which is the truth, but I thought  
4 that his statements, which were corroborated in  
5 large part with the tapes that I've heard, were  
6 consistent with the truth. Still more so than what  
7 Mr. Perez' testimony was at the hearing. So I still  
8 think that, in large part, he was still truthful. I  
9 don't know on this particular issue, issues that  
10 you've raised this morning, whether he was telling  
11 the truth then or now, but I think the core issues  
12 that I had to decide at the motion to suppress, I  
13 still find his testimony because it's corroborated  
14 in large part by the transcripts and the tapes that  
15 I've reviewed. So I'll deny that request.

16 MS. BHALLA: Your Honor, if I may, just  
17 for the record. Defendant Herrera joins that motion  
18 for all of the reasons reiterated by Mr. Villa, but  
19 also in addition to the fact that part of the  
20 testimony was that he wasn't providing drugs to our  
21 client because he wasn't able to get drugs. Clearly  
22 that wasn't the case when he was using drugs two  
23 weeks before the suppression hearing, Your Honor.

24 MR. CASTELLANO: At a different facility.

25 THE COURT: All right.



1 (The following proceedings were held in  
2 open court.)

3 THE COURT: To the extent Ms. Bhalla  
4 joined it, I'll deny that motion as well.

5 All right. All rise.

6 (The jury entered the courtroom.)

7 THE COURT: All right. Everyone be  
8 seated.

9 All right, Mr. Cordova. I'll remind you  
10 that you're still under oath.

11 Mr. Villa, if you wish to continue your  
12 cross-examination of Mr. Cordova, you may do so at  
13 this time.

14 MR. VILLA: Thank you, Your Honor.

15 THE COURT: Mr. Villa.

16 BY MR. VILLA:

17 Q. Mr. Cordova, before we took a break I was  
18 asking but Mr. Perez' health. In fact, you knew  
19 back in March of 2014, when Mr. Perez was in the  
20 blue pod in Southern New Mexico, that he had health  
21 issues?

22 A. Yes, sir.

23 Q. I believe on your direct testimony you  
24 talked about how Ron Sanchez was tasked with helping  
25 Mr. Perez, bringing him his food tray, take him

1 around on the wheelchair if he needed to go  
2 somewhere in the facility, true?

3 A. Yes, sir.

4 Q. Did you know whether Mr. Sanchez was  
5 actually being paid by the facility to do that?

6 A. I'm unaware of that.

7 Q. And it's true that Mr. Perez, during that  
8 time in the fall -- or, excuse me, in the spring of  
9 2014, before Mr. Molina's death, he didn't go out of  
10 the cell very often, did he?

11 A. I don't know.

12 MR. CASTELLANO: Objection. Lack of  
13 foundation.

14 A. I wasn't in the pod.

15 THE COURT: Well, lay some foundation.

16 MR. VILLA: I think he just said he didn't  
17 know about that.

18 BY MR. VILLA:

19 Q. So you weren't in the blue pod to know  
20 whether he came out of his cell?

21 A. Not all the time. I didn't know that.

22 Q. When the yellow pod went out to the yard,  
23 did he go out to the yard with the blue pod?

24 A. Occasionally, yes, he'd go out sometimes.

25 Q. But not every time?

1           A.     Like I said, we were in different pods.  
2     But occasionally I would see him out there in the  
3     yard, yes.

4           Q.     And did you see Mr. Perez out there in the  
5     yard?

6           A.     There was times I seen him, yes.

7           Q.     Was there times when you saw blue pod out  
8     in the yard but Mr. Perez was not in the yard?

9           A.     Yes.

10          Q.     When you saw Mr. Perez in the yard, he  
11     was, just from looking at him, you could tell that  
12     he wasn't in good health?

13                   MR. CASTELLANO:  Objection, relevance.

14                   THE COURT:  Overruled.

15          A.     Yes, I knew he wasn't in all that  
16     condition, yes.

17     BY MR. VILLA:

18          Q.     He used a walker or a wheelchair when he  
19     was out of the pod, that you knew?

20          A.     Yes, sir.

21          Q.     And then in the fall of 2015, when you  
22     were both at PNM North together, before you met with  
23     Agent Acee, you said you were in the pod with Mr.  
24     Perez in the X pod?

25          A.     Yes, sir.

1 Q. And his health was similar?

2 A. Same, yes, sir.

3 Q. And when you got put next to Mr. Perez in  
4 2016 in the spring -- or, excuse me, in the winter,  
5 January and February, again, his health was the  
6 same?

7 A. Yes, sir.

8 Q. Having to go to medical a lot?

9 A. I don't know. I wasn't -- I never seen  
10 him leave to go to medical when I was there with  
11 him.

12 Q. Well, he had a -- outside of the pod --  
13 excuse me, outside of the cell where you were next  
14 to him, they kept his wheelchair there; right?

15 A. Yes, sir.

16 Q. So you knew he still needed a wheelchair?

17 A. Yes, sir.

18 Q. And medical would often come to him and  
19 bring him medicine; right?

20 A. Yes, sir.

21 Q. That's how you understood that he got  
22 medicine brought to him on a daily basis?

23 A. Yes, sir.

24 Q. You also knew, did you not, that Mr. Perez  
25 had been in PNM North for a long time?

1 A. Yes, sir.

2 Q. At the time that you started recording him  
3 and talking to him, you knew he had been there at  
4 least since the fall of 2015?

5 A. Yes, sir.

6 Q. And let me show you what's already been  
7 admitted, I believe it is Defendants' V24, Mr.  
8 Perez' location history. And we'll just go from  
9 June 2015 forward.

10 Mr. Cordova, have you ever seen -- I guess  
11 you saw them on your direct examination, but the  
12 physical location histories?

13 A. Yes, sir.

14 Q. And this is the location history, it's  
15 already been admitted into evidence for Mr. Perez.  
16 Do you see that?

17 A. Yes, sir.

18 Q. So starting at June 2015, it indicates  
19 here that Mr. Perez went to PNM. Do you see that?

20 A. Yes, sir.

21 Q. And he's placed -- the next line tells us  
22 that he's placed in the North, 3-B, X pod; right?

23 A. Yes, sir.

24 Q. And if you need to adjust the mike, don't  
25 hesitate.

1 And then after that -- so he's there.

2 Excuse me. He's there June 17th until October 20,  
3 2015; right? In the X pod?

4 A. Yes, sir.

5 Q. And the next line up, from October 20  
6 through April 18, he's then in the North 3-A Q pod;  
7 right?

8 A. Yes, sir.

9 Q. And the Q pod is where you were placed  
10 next to him; you were in cell 102 and Mr. Perez was  
11 in cell 101, correct?

12 A. Yes, sir.

13 Q. So at least according to this document,  
14 Mr. Perez was at PNM North from June 2015 through  
15 February when you were recording him?

16 A. Yes, sir.

17 Q. And then he was there a couple months  
18 after that, correct?

19 A. I don't know a couple months after that.

20 Q. Just according to this document.

21 A. Yes, sir.

22 Q. Now, the cell that -- and thank you for  
23 that document.

24 The cell that Mr. Cordova was in, and you  
25 were next to him, was in the bottom tier of the pod;

1 right?

2 A. Yes, sir.

3 Q. The pod has two tiers of cells, one on the  
4 bottom, one on the top?

5 A. Yes, sir.

6 Q. And I don't remember how many cells are on  
7 each tier. Do you remember?

8 A. Yes, sir.

9 Q. How many?

10 A. 12.

11 Q. So there is 12 on the bottom, 12 on top?

12 A. Six on bottom, six on top.

13 Q. I understand. So six cells on the bottom,  
14 six cells on the top?

15 A. Yes, sir.

16 Q. And cell 101 is, if you're looking at the  
17 cells, it's the far left-hand side, correct?

18 A. Yes, sir.

19 Q. So it's in the corner; right?

20 A. Yes, sir.

21 Q. And cell 102, the cell that you were in  
22 next to Mr. Perez, is immediately to the right of  
23 that?

24 A. Yes, sir.

25 Q. And if you're in your cell, cell 102,

1 you've got a neighbor on either side; right?

2 A. Yes, sir.

3 Q. And using those vents that you talked  
4 about on your direct, you could talk to either one  
5 of your neighbors?

6 A. Yes.

7 Q. But if you're in cell 101, like Mr. Perez  
8 was, he's only got a neighbor on one side?

9 A. Yes, sir.

10 Q. And at the time that you were talking to  
11 Mr. Perez and recording him, you were the only  
12 neighbor?

13 A. Yes, sir.

14 Q. And it wasn't just happenstance that you  
15 got put next to Mr. Perez. You were put next to him  
16 just days after meeting with Agent Acee?

17 A. Yes, sir.

18 Q. Telling him that, in exchange for not  
19 getting prosecuted in this case or in a RICO case,  
20 you could try to record Mr. Perez?

21 A. Yes, sir.

22 Q. And, in fact, the rumors that we talked  
23 about about Mr. Perez, you knew about those before  
24 you ever got next to Mr. Perez, because you'd heard  
25 about them in the year prior, in the fall of 2015?



1 A. Yes, sir.

2 Q. When you're in PNM North, that's the  
3 highest level of restriction on an inmate; right?

4 A. Yes, sir.

5 Q. So you're in a cell. How big is the cell?

6 A. I don't know.

7 Q. How often do you get to get out of the  
8 cell?

9 A. An hour for five days a week. Five times  
10 a week, you come out for an hour. So Monday through  
11 Friday, you come out for an hour yard and you get  
12 your showers Monday through Friday. Saturday and  
13 Sunday, there is no movement.

14 Q. So that Monday through Friday is the hour,  
15 does that include the yard and the shower?

16 A. Yes. For them units, yes. For them two  
17 units, 3s are like that.

18 Q. All right. So while you were there, you  
19 get to go out of the cell all of one hour of 24  
20 hours in a day?

21 A. You get your shower and then an hour rec.

22 Q. I see. Okay. So the shower doesn't cut  
23 into the hour time?

24 A. No, sir.

25 Q. The rec time is when you get to go

1 outside?

2 A. Yes, sir.

3 Q. You go outside and you're in a cage;  
4 right?

5 A. Yes, sir.

6 Q. The cages, we've heard some testimony, but  
7 are they about 7 by 7?

8 A. No, sir, they're bigger.

9 Q. They're bigger. Are there different size  
10 cages?

11 A. Yes, sir.

12 Q. Some are smaller, some are bigger?

13 A. Yes, sir.

14 Q. And Saturday and Sunday, you don't get to  
15 get out?

16 A. No, sir.

17 Q. We heard you talk about it on direct,  
18 while you're in those cells, you only get to make  
19 four phone calls a month?

20 A. It depends what status you're on. So I'm  
21 pretty sure it was four, right around four. SNM was  
22 on four because of the violence we were inflicting  
23 in the prison system, yes.

24 Q. So at that time while you were recording  
25 Mr. Perez, it was four calls?

1 A. Yes, sir.

2 Q. No visits with family?

3 A. Yes, sir, there were visits. Four visits  
4 a month.

5 Q. Four visits. Not contact visits; right?

6 A. No, sir.

7 Q. The visits are over the phone?

8 A. No, through a glass.

9 Q. Through a glass. I understand.

10 So four visits a month, four phone calls a  
11 month. What other restrictions did you have while  
12 you were in there?

13 A. I don't know of any other restrictions.  
14 You're in your cell.

15 Q. And you don't get what we call tier time;  
16 right?

17 A. No, you get your TV in your cell, cable  
18 TV. And you get your radio.

19 Q. And tier time is when you actually get to  
20 come out of the cell and just walk along the tier?

21 A. Yes, sir.

22 Q. Which is not something you get while  
23 you're -- while you were there, at least at the time  
24 recording Mr. Perez?

25 A. Those units, no. But in other units, at

1 the PNM North, yes, you get tier time.

2 Q. So the units that you were in while you  
3 were recording Mr. Perez, no tier time?

4 A. Yes, sir.

5 MR. VILLA: Your Honor, at this time I'd  
6 like to move Exhibit Q into evidence. It's a video  
7 from the PNM Q pod. I don't think there is an  
8 objection.

9 THE COURT: Any objection, Mr. Castellano?

10 MR. CASTELLANO: Exhibit Q, Your Honor?

11 THE COURT: Yes.

12 MR. CASTELLANO: No objection.

13 THE COURT: Anybody else have any  
14 objection? Not seeing any or hearing any,  
15 Defendants' Exhibit Q will be admitted into  
16 evidence.

17 (Defendants' Exhibit Q admitted.)

18 BY MR. VILLA:

19 Q. Now, Mr. Cordova I'm going to get this  
20 started. I'll represent to you that the video was  
21 taken, I believe in the summer of 2017. So I'll ask  
22 you some questions about if there is anything  
23 different. But we'll start the video now.

24 (Tape played.)

25 Q. Let's pause it there. So, Mr. Cordova,

1 I'm showing you Exhibit Q, it's a video. Can you  
2 see on your screen down at the bottom there is this  
3 time stamp?

4 A. Yes, sir.

5 Q. So just for the record, I'm going to refer  
6 to the time stamp when I pause it.

7 Right now I've paused it, it says the date  
8 is June 6, 2017, and the time is 14:46:04, correct?

9 A. Yes, sir.

10 Q. What we see in this picture are three  
11 cells. I'm just underlying the one, two and three,  
12 do you see that there?

13 A. Yes, sir.

14 Q. And Q101 that I've just circled, that's  
15 where Mr. Perez was?

16 A. Yes, sir.

17 Q. And there isn't any cell next to Mr. Perez  
18 on the left-hand side of this view, correct?

19 A. No, sir.

20 Q. Q102, that's where you were; right?

21 A. Yes, sir.

22 Q. And in Q102, you've got a neighbor on this  
23 side, Q103; and a neighbor on the other side, Q101?

24 A. Yes, sir.

25 Q. This is how it was when you were there

1 recording Mr. Perez in February?

2 A. Yes, sir.

3 Q. That's February of 2016?

4 A. I believe so.

5 Q. And by the way, that's about 23 months  
6 after the Javier Molina murder, correct?

7 A. Yes, sir.

8 Q. Let's continue playing.

9 (Tape played.)

10 Q. Please pause it.

11 I've stopped it now, Mr. Cordova, at  
12 14:48:31, correct?

13 A. Yes, sir.

14 Q. And here is sort of a view into the cell  
15 Q102; the cell you were in; right?

16 A. Yes, sir.

17 Q. Does the cell look to be about the same  
18 size as it was when you were there?

19 A. Yes, sir.

20 Q. And I'm just going to draw a circle. This  
21 is a mattress; right?

22 A. Yes, sir.

23 Q. And the mattress is on top of, it's the  
24 bunk, isn't it?

25 A. Yes, sir.

1 Q. And that's the same way it was when you  
2 were there?

3 A. Yes, sir.

4 Q. And it's underneath the bunk where the  
5 vents are; right?

6 A. Yes, sir.

7 Q. Please continue.

8 (Tape played.)

9 Q. Pause it there. And it just came a little  
10 bit out of view, but you get a little bit better  
11 view of what the cell Q101 looks like; right?

12 A. Yes, sir.

13 Q. And for the record, I paused it at  
14 14:48:53; right?

15 A. Yes, sir.

16 Q. And is that cell -- I know it might be the  
17 opposite in terms of design, but it's about the same  
18 size as your cell; right?

19 A. Yes, sir.

20 Q. Let's continue.

21 (Tape played.)

22 Q. Let's pause it there. Mr. Cordova, we see  
23 here at 14:49:00 is the commode; right?

24 A. Yes, sir.

25 Q. And that's where you use the restroom when

1 you're in the cell?

2 A. Yes, sir.

3 Q. You don't get to come out of the cell for  
4 a restroom break or anything?

5 A. No, sir.

6 Q. Please continue.

7 (Tape played.)

8 Q. Pause it there, please.

9 Mr. Cordova, we got a little bit better  
10 shot. I've paused it now at 14:49:28, of the  
11 interior of the room. That's similar to your room,  
12 Q102; right?

13 A. Yes, sir.

14 Q. It's not any bigger or smaller that you  
15 can see?

16 A. No, sir.

17 Q. And up here at the top is a vent. I think  
18 you testified a little bit about this vent, that you  
19 can communicate through that vent with your  
20 neighbor; right?

21 A. Yes, sir.

22 Q. But the vents that you and Mr. Perez were  
23 communicating were the ones under the bed.

24 A. Through both vents you can communicate.

25 That one, you can communicate with the one next to



1 you and the one upstairs. But if you want to be  
2 more private, you go underneath the bunk and talk  
3 underneath the bunk in the heater vent so that way  
4 you and your neighbor have a more private  
5 conversation.

6 Q. So what you're talking about here is the  
7 person above you, that would be the person upstairs  
8 on the upper tier?

9 A. Yes, sir.

10 (Tape played.)

11 Q. Pause it there, please. I've paused it at  
12 14:50:06; right?

13 A. Yes, sir.

14 Q. This is the vent that we're talking about;  
15 right?

16 A. Yes, sir.

17 Q. We're in the cell that Mr. Perez was in,  
18 that's where he would have spoken to you so you  
19 could hear him?

20 A. Yes, sir.

21 Q. Let's continue.

22 (Tape played.)

23 Q. Pause it there, please. Mr. Cordova, we  
24 just saw in the video going into cell Q102. We've  
25 paused it at 14:56:32; is that right?

1 A. Yes, sir.

2 Q. And I know that the items on the desk and  
3 other things might have been different than from  
4 when you were there, but the cell looks the same as  
5 it was when you were there?

6 A. Yes, sir.

7 Q. Let's continue.

8 (Tape played.)

9 Q. I'm going to pause it. So it just shot  
10 out of view, but just above the sink, did you see  
11 what looked like -- kind of like a spigot or faucet?

12 A. Yes.

13 Q. Can you tell me what that is?

14 A. It's for when people are multiply  
15 assaulting staff or they have medical issues where  
16 they must take showers every day, they'll have those  
17 in those kind of cells. That way they can shower on  
18 the weekend.

19 Q. I see. So the shower, if you don't use  
20 that, is outside of the cell; correct?

21 A. Yes.

22 Q. It's actually down at the end of the  
23 hallway?

24 A. Yes.

25 Q. Please continue.

1 (Tape played.)

2 Q. Let's pause it here. Mr. Cordova, this is  
3 paused at 14:57:00; right?

4 A. Yes, sir.

5 Q. And we're looking at the vent underneath  
6 the bed in what was your cell; right?

7 A. Yes, sir.

8 Q. So when you were speaking to Mr. Perez,  
9 you were underneath your bed talking to him there?

10 A. Yes, sir.

11 Q. And the recording device that you had, you  
12 would just put it somewhere on the vent?

13 A. No, sir.

14 Q. Okay. Let me erase that. Tell me, where  
15 did you put the recording device?

16 A. Underneath the vent.

17 Q. Oh. So like down here?

18 A. Yes, sir.

19 Q. And I think as you testified with  
20 Mr. Castellano, you didn't always have it on when  
21 you were underneath there talking to Mr. Perez;  
22 right?

23 A. No, sir.

24 Q. Sometimes you're talking about other  
25 things, sometimes you're talking about this case and

1 you're waiting to get to the information that you  
2 want to record?

3 A. When we talked about this case is when I  
4 started recording.

5 Q. So you would turn it on and off when  
6 you're talking about the case?

7 A. When I thought there was something that  
8 needed to be recorded, that's when I turned it on  
9 and recorded it.

10 Q. But as you told the jury, the week before  
11 you had this recording device, you did talk to  
12 Mr. Perez about the Molina case?

13 A. Yes, sir.

14 Q. You just didn't have the recording device?

15 A. No, sir.

16 Q. Let's continue.

17 (Tape played.)

18 Q. Now, let's pause it there. Mr. Cordova,  
19 we can see a little bit here. I've paused it at  
20 14:57:24, kind of like a grate underneath the  
21 heater; is that what that is?

22 A. It's, yeah, like a screen for the heater.  
23 Yeah.

24 Q. Is that where you were doing the  
25 recording?

1 A. Yes, sir.

2 Q. And that's where you were doing the  
3 talking with Mr. Perez before you had the recording  
4 device?

5 A. Yes, sir.

6 Q. And you knew at the time, as you testified  
7 to the jury before the break, that Mr. Perez knew  
8 about these rumors against him?

9 A. Yes, sir.

10 Q. And I know you testified that -- well, you  
11 testified in the previous hearing, as I showed you,  
12 that they were going to move on him. You testified  
13 today that that wasn't going to happen. But the  
14 term "Moving on" somebody, what does that mean?

15 A. The talk was -- is that if he didn't --

16 Q. Mr. Cordova, let me get you to answer my  
17 question because I don't think you're answering it.

18 When you used the term "move on" somebody,  
19 what does that --

20 A. That means you're going to hit them.

21 Q. Let me finish the question. What does  
22 that term mean?

23 A. It means you're going to hit them.

24 Q. And "hitting" somebody means what?

25 A. It means to murder them.

1 Q. So to kill somebody?

2 A. Yes.

3 Q. And it's never good, is it, if you have a  
4 rumor against you that you might be cooperating with  
5 the Government?

6 A. No, sir.

7 Q. That's a rumor that could lead to you  
8 getting hit?

9 A. Yes, sir.

10 Q. Let's continue.

11 (Tape played.)

12 Q. Let's pause it there. And I think that's  
13 good for the video for now. So, Mr. Cordova, that  
14 cell that we saw was the same cell you were in when  
15 you recorded Mr. Cordova -- excuse me, when you  
16 recorded Mr. Perez?

17 A. Yes, sir.

18 Q. And at the time that you were there, you  
19 didn't get to get out of that cell but five times a  
20 week?

21 A. Yes, sir.

22 Q. Monday through Friday?

23 A. Yes, sir.

24 Q. As far as you know, the same rules applied  
25 to Mr. Perez while you were there?

1 A. Yes, sir.

2 Q. And while he's talking to you, we saw some  
3 of it on the recording, we'll get into it in just a  
4 minute, but he told you that he was keeping his  
5 mouth shut and he wasn't talking to anybody; right?

6 A. Yes, sir.

7 Q. He denied that he had spoken to STIU?

8 A. Yes, sir.

9 Q. STIU, we've heard a lot about them, but  
10 that's the Security Threat Intelligence Unit?

11 A. Yes, sir.

12 Q. The folks that investigate gang activity  
13 inside the prison?

14 A. Yes, sir.

15 Q. And he knew that you had a pretty, at  
16 least at the time -- at least he thought -- you had  
17 a pretty big role in the SNM; right?

18 A. Not a big role, but I was a soldier, yes.

19 Q. You were pretty well known?

20 A. Yes, sir.

21 Q. He knew that you could spread the word  
22 that he wasn't cooperating?

23 A. Yes, sir.

24 Q. Because that might protect him from  
25 getting hit?

1 A. Incorrect.

2 Q. Well, at least he was trying to protect  
3 himself, wasn't he?

4 A. He was defending his honor, but --

5 Q. Well, let me ask the question. Yes or no,  
6 was he trying to protect himself?

7 MR. CASTELLANO: Objection. Calls for  
8 speculation.

9 THE COURT: Ask him if he knows first.  
10 Lay some foundation.

11 BY MR. VILLA:

12 Q. Do you know if, in the communications that  
13 you and Mr. Perez had, he was trying to protect  
14 himself?

15 A. I have no way of influence on getting one  
16 hit in the onda unless there is black and white.  
17 That's not my job.

18 Q. I'm not asking you about your influence.  
19 I'm asking you about whether -- you got to interpret  
20 a lot of these communications with Mr. Perez, so I'm  
21 asking you, was Mr. Perez trying to protect himself?  
22 Yes or no.

23 A. Protect his honor, yes.

24 Q. Protect his safety from getting hurt?

25 A. No.



1 Q. So you don't know that?

2 A. No, I know he wasn't trying to do that  
3 because I can't get him hit on a rumor.

4 Q. You can't get inside Mr. Perez' head, can  
5 you?

6 A. No, sir.

7 Q. And based on all of the communications  
8 that you had with Mr. Perez, including before the  
9 recording and some in the recording, you thought  
10 that Mr. Perez had actually himself provided the  
11 piece from his walker; right?

12 A. Yes.

13 Q. But you don't actually know what happened,  
14 how that piece came off his walker and ultimately  
15 ended up in the hands of the men who killed  
16 Mr. Molina, do you?

17 A. I didn't see it.

18 Q. Okay. So that's what I'm asking. I'm not  
19 asking what people told you.

20 A. Yes.

21 Q. Okay. You don't know the person that  
22 actually took the piece off of Mr. Perez' walker  
23 because you didn't see it?

24 A. No, sir.

25 Q. You don't know what Mr. Perez said to that

1 person at the time, because you weren't in the cell  
2 at the time?

3 A. No, sir.

4 Q. And in the yellow pod, at least at the  
5 time it happened, you weren't in earshot to be able  
6 to hear what Mr. Perez said?

7 A. I only knew what he told me. That was it.

8 Q. You knew what he told you in February of  
9 2016?

10 A. I only knew what he said and what other  
11 individuals were talking about in the yard. That  
12 was it.

13 Q. Okay. And when I say, "What Mr. Perez  
14 told you," I'm talking about what he told you in  
15 February of 2016?

16 A. Yes, sir.

17 Q. Because he hadn't told you anything before  
18 you got put next to him; right?

19 A. No, sir.

20 Q. You said that you didn't have the ability  
21 to call a hit on somebody at the time you spoke to  
22 Mr. Perez; right?

23 A. Yes, sir. Not on another brother, no.

24 Q. Say that again.

25 A. I don't have the ability to call a hit on

1 a rumor on another brother. It's not part of the  
2 rules.

3 Q. Well, let me ask you this. It's the  
4 shot-callers that call hits according to you; right?

5 A. Yes.

6 Q. Were you a shot-caller at the time?

7 A. No, sir.

8 Q. So if there was a shot-caller in place,  
9 they could call a hit; right?

10 A. Only if there is black and white, yes.

11 Q. Well, according to you; but not  
12 necessarily according to every shot-caller in the  
13 SNM; right?

14 A. No. That's the way the rules are. You  
15 need proof, you need black and white.

16 Q. If the rules get followed?

17 A. Yes.

18 Q. Rules aren't always followed, are they?

19 A. In the past they weren't.

20 Q. Let's talk a little bit about that. There  
21 is a rule that you're not supposed to fraternize or  
22 have relations with another brother's wife or  
23 girlfriend; right?

24 A. Yes, sir.

25 Q. And so if you're in the SNM, you're

1 supposed to follow that rule?

2 A. Yes, sir.

3 Q. That rule isn't always followed, is it?

4 A. No, sir.

5 Q. As a matter of fact, it wasn't followed in  
6 your case, was it?

7 A. No, sir.

8 Q. Another SNM member had had some kind of  
9 relationship with your wife Crystal?

10 A. Yes, sir.

11 Q. And you found out about it?

12 A. Yes, sir.

13 Q. And you were going to kill your wife and  
14 the other SNM member, weren't you?

15 A. Yes, sir.

16 Q. But you then, and I don't want to get into  
17 the conversation, but then you had a conversation  
18 with Gerald Archuleta; right?

19 A. Yes, sir.

20 Q. The guy that goes by Styx?

21 A. Yes.

22 Q. And after that conversation, you decided  
23 you weren't going to kill them both?

24 A. Yes, sir.

25 Q. And then I think you got out of prison at

1 some point; right?

2 A. Yes, sir.

3 Q. And were back with your wife Crystal?

4 A. Yes, sir.

5 Q. And you testified about this on direct,  
6 you said that you beat her up pretty badly.

7 A. Yes, sir.

8 Q. And it's your testimony to this jury that  
9 that's something, that was an SNM beating that you  
10 inflicted?

11 A. You can say that.

12 Q. Well, I did say that. Would you say that?

13 A. Yes, sir.

14 Q. Okay. I mean, that's what you told the  
15 jury?

16 A. Yes, sir.

17 Q. And you were convicted of committing  
18 aggravated assault on your wife; right?

19 A. Yes, sir.

20 Q. Sent back to prison?

21 A. Yes, sir.

22 Q. True?

23 A. Yes, sir.

24 Q. It's true, is it not, that that's not what  
25 the police were told about the reason for you

1 beating up your wife?

2 A. No, it wasn't the reason.

3 Q. The SNM reason.

4 A. No.

5 Q. They were told something else?

6 A. Of course.

7 Q. And I think you said on direct examination  
8 that you beat your wife pretty badly?

9 A. Yes, sir.

10 Q. You -- in fact, you broke her jaw, didn't  
11 you?

12 A. Yes, sir.

13 Q. Broke her finger?

14 A. Yes, sir.

15 Q. Caused her internal injuries?

16 A. Yes, sir.

17 Q. Internal bleeding?

18 A. Yes, sir.

19 Q. Broken ribs?

20 A. Yes, sir.

21 Q. All for what you say was for the SNM?

22 A. Yes, sir.

23 Q. And that's the same wife that we heard you  
24 talking to on the phone; right?

25 A. Yes, sir.

1 Q. That you were lying to about what was  
2 going on between you and Agent Acee?

3 A. Yes, sir.

4 Q. And so that took place I think 2010; is  
5 that right?

6 A. Yes, sir.

7 Q. And I guess at that point, when you got  
8 out of prison and it's 2010, you weren't  
9 disillusioned with the SNM?

10 A. No, sir.

11 Q. So much so that you would beat your own  
12 wife the way you did?

13 A. Yes, sir.

14 Q. And before that, you did some other things  
15 for the SNM that you didn't necessarily testify  
16 about on direct, did you?

17 A. Yes, sir.

18 Q. As part of some of the things you did in  
19 the SNM, you water boarded people, didn't you?

20 A. Yes, sir.

21 Q. Tell the jury what that is.

22 A. You get an individual, tie them up. You  
23 put a cloth over their face, a wet cloth. And then  
24 what it does is you pour water over their face so it  
25 drowns them just enough to keep them alive but not

1 to kill them. And it tortures them. It's painful.  
2 Water gets in their lungs and they've got to cough  
3 it back up.

4 Q. And you did that --

5 A. Yes, sir.

6 Q. -- to people?

7 A. Yes, sir.

8 Q. Human beings?

9 A. Yes, sir.

10 Q. Now, you testified a little bit about an  
11 individual named Arturo Garcia; right?

12 A. Yes, sir.

13 Q. Arturo Garcia was somebody who was an SNM  
14 member?

15 A. Yes, sir.

16 Q. And I think you said he was on the tabla?

17 A. Yes, sir.

18 Q. And you didn't necessarily like everything  
19 that Arturo Garcia was doing, did you?

20 A. No, sir.

21 Q. So you planned to kill him?

22 A. Yes, sir.

23 Q. And you at that time were a soldier;  
24 right?

25 A. Yes, sir.



1 Q. You weren't a shot-caller?

2 A. No, sir.

3 Q. But you were going to kill a shot-caller?

4 A. Yes, sir.

5 Q. That's a pretty bold move, isn't it?

6 A. Well, none of the other brothers were  
7 agreeing to it.

8 Q. Yes or no, is it a bold move?

9 A. Yes, it is.

10 Q. And I imagine there is probably a rule in  
11 the SNM about a soldier trying to kill a  
12 shot-caller?

13 A. At that time he was already X'd out from  
14 being a shot-caller.

15 Q. Is there a rule? Yes or no.

16 A. Yes. But he wasn't a shot-caller at that  
17 time.

18 Q. Okay. There were some folks that were on  
19 Mr. Garcia's side; right?

20 A. Yes.

21 Q. And others that were on the side like you  
22 were on, that wanted to kill Mr. Garcia?

23 A. Yes, sir.

24 Q. And all of these folks were in the SNM?

25 A. Yes, sir.

1 Q. So they weren't necessarily agreeing with  
2 each other about how to handle it, were they?

3 A. No, sir.

4 Q. And I think you testified about this a  
5 little bit on direct, that ultimately you concluded  
6 there is no loyalty in the SNM?

7 A. No, there's not.

8 Q. People don't necessarily follow along with  
9 what they're supposed to follow along with.

10 A. Nope.

11 Q. Or do what they're supposed to do?

12 A. Nope.

13 Q. And as a matter of fact, were you -- well,  
14 strike that.

15 Before you cooperated or agreed to help  
16 Agent Acee, was there a hit placed on you by the  
17 SNM?

18 A. There was -- I survived many political  
19 wars, yes.

20 Q. So the answer to my question is somebody  
21 in the SNM wanted to hit you?

22 A. Yes, sir.

23 Q. And that was in place at the time that you  
24 agreed to cooperate with Agent Acee?

25 A. No, sir.

1 Q. You're saying it wasn't?

2 A. No, sir.

3 Q. Now let's talk a little bit about what  
4 Agent Acee could have charged you with. We talked  
5 about RICO; right?

6 A. Yes, sir.

7 Q. And isn't it true that you were being  
8 looked at by Agent Acee for the murder of Sammy  
9 Chavez?

10 A. Yes, sir.

11 Q. Sammy Chavez is a person that was killed  
12 in the streets of Albuquerque; I think you testified  
13 about that.

14 A. Yes, sir.

15 Q. You testified about how you explained in  
16 great detail to Sergio Rodriguez, another SNM  
17 member, how he should carry out the killing?

18 A. Yes, sir.

19 Q. Did you kill Sammy Chavez?

20 A. No, sir.

21 Q. You didn't do that?

22 A. No, sir.

23 Q. I think it was your testimony, and maybe  
24 I've got it wrong, but that you went to prison  
25 before it happened?

1 A. Yes, sir.

2 Q. So you weren't able to do it?

3 A. No, sir.

4 Q. But it's true, though, that you bragged  
5 that you killed Sammy Chavez, didn't you?

6 A. No, sir.

7 Q. So if a witness came and testified that  
8 you bragged to them that you killed Sammy Chavez,  
9 you'd disagree with that?

10 A. Yes, I disagree with that.

11 Q. It wouldn't be good to brag about a murder  
12 that you didn't commit, would it?

13 A. Yes.

14 Q. And you told the Government, did you not,  
15 that Sergio Rodriguez killed Sammy Chavez?

16 A. Yes, sir.

17 Q. And you know that Sergio Rodriguez, as a  
18 result of that, has gotten charged with that murder?

19 A. I guess now he did, yeah. If you're  
20 saying.

21 Q. I don't know. I'm asking if you know  
22 that.

23 A. Oh, I don't know.

24 Q. You don't know?

25 A. You're the one telling me.

1 Q. Okay. But you did tell the Government  
2 that?

3 A. Yes, sir.

4 Q. Because you think Sergio Rodriguez killed  
5 Mr. Chavez?

6 A. Yes, sir, I believe so.

7 Q. Would it surprise you to learn that  
8 Mr. Rodriguez was also in custody in prison at the  
9 time Mr. Chavez was murdered?

10 A. Yes, sir.

11 Q. That would surprise you?

12 A. Yes, sir.

13 Q. Because then just like you, he wouldn't be  
14 able to kill him?

15 A. Yes, sir.

16 Q. Now, you never did get charged or  
17 prosecuted in any way by the federal government  
18 having anything to do with the murder of Sammy  
19 Chavez?

20 A. No, sir.

21 Q. And you testified a little while ago on  
22 direct that you had some -- at least you claimed  
23 some involvement in the murder of Javier Molina; or  
24 at least you saw the paperwork?

25 A. Yes, sir.

1 Q. But you've never been charged for anything  
2 related to that?

3 A. No, sir.

4 Q. You also testified about the robberies and  
5 things you were doing when you first came into the  
6 SNM?

7 A. Yes, sir.

8 Q. And the kidnapping?

9 A. Yes, sir.

10 Q. You've never been prosecuted by the  
11 Government for that, have you?

12 A. No, sir.

13 Q. That was the deal that you understood you  
14 were getting when you agreed to work for Agent Acee?

15 A. Yes, sir.

16 Q. But you deny that that deal also included  
17 protection for wife Crystal and your mother?

18 A. Yes, sir.

19 Q. Those -- what you told them on the phone,  
20 that wasn't true?

21 A. Yes, that wasn't true.

22 Q. Were you also being looked at for -- by  
23 Agent Acee for the murder of Shane Dix?

24 A. I wasn't aware of that.

25 Q. Did you murder Shane Dix?

1 A. No, sir, I didn't.

2 Q. Did you brag that you murdered Shane Dix?

3 A. No, sir, I didn't.

4 Q. If a witness came in here to court and  
5 said that you bragged to them about the murder of  
6 Shane Dix, you would disagree with that?

7 A. Yes, sir.

8 Q. Because you shouldn't be bragging about  
9 things you didn't do?

10 A. Yes, sir.

11 Q. Now, let's talk about -- you testified  
12 about a murder that you committed on the streets of  
13 a Los Carnales member?

14 A. Yes, sir.

15 Q. And you testified that you guys -- you  
16 were working with some other members and you got  
17 some heroin that was poisonous and provided it to  
18 somebody to give to this Los Carnales member?

19 A. Yes, sir.

20 Q. And after you got word that the Los  
21 Carnales member was dead, you went into the  
22 apartment to get him; right?

23 A. Yes, sir.

24 Q. You had to push the door open to get his  
25 body?

1 A. Yes, sir.

2 Q. And wrap it up. And I think you testified  
3 that you dumped it in a church.

4 A. Yes, sir.

5 Q. And isn't it true that before you dumped  
6 it, you actually pulled open the guy's eyelids to  
7 see if he was dead?

8 A. Yes, sir.

9 Q. And you dumped the body. And eventually  
10 the body got found.

11 A. Yes, sir.

12 Q. At a church?

13 A. Yes, sir.

14 Q. And you haven't been prosecuted for that?

15 A. No, sir.

16 Q. Because that's the deal that you  
17 understood you got for the work you did in this  
18 case?

19 A. Yes, sir.

20 Q. All right. Let me talk to you about some  
21 of these recordings you have of Mr. Perez.

22 I'm going to show you the transcripts and  
23 put them on your screen. The audio that you heard  
24 was Exhibit 176 and the transcript is identified as  
25 Exhibit 177.



1 Do you see that there on your screen,  
2 Mr. Cordova?

3 A. Yes, sir.

4 Q. Do you remember this part where you're  
5 asking -- you're the CHS, and you're asking Mr.  
6 Perez about "the fucking fierros came from your  
7 walker. You think so?" Do you see that there?

8 A. Yes, sir.

9 Q. And Mr. Perez answers, "No. Because, see,  
10 what -- where they got me down here under  
11 investigation, because Trigger, the first one to  
12 give a statement, stating he believed that I  
13 literally gave him that piece, you know what I  
14 mean?"

15 A. Yes, sir.

16 Q. Now, when Mr. Perez says, "I literally  
17 gave him that piece," you understood that to mean  
18 like he actually took the piece from the walker and  
19 gave it to somebody?

20 A. I guess you can, yeah.

21 Q. So now let's go over to the next page.

22 So Mr. Perez -- let me ask you about this  
23 statement here that Mr. Perez made. "Anybody else  
24 in Cruces ask me, I didn't have nothing to do with  
25 nothing. I didn't know nothing and that's that.

1 You hear me?" Do you see that?

2 A. Yes.

3 Q. And I think you told the jury that that's  
4 when Mr. Perez is essentially saying to you that  
5 he's not going to talk to anybody?

6 A. Yes, he's not going to rat to  
7 administration or law enforcement.

8 Q. And he says right before that sentence,  
9 "And, and, what I told you that day, you're the only  
10 one that heard -- admitted anything to, Shadow,"  
11 right?

12 A. Yes, sir.

13 Q. So he's referring to a previous  
14 conversation that the two of you had?

15 A. Yes, sir.

16 Q. And this was the first time you actually  
17 recorded him; right?

18 A. Yes, sir.

19 Q. And so he's talking about what he told you  
20 happened?

21 A. Yes, sir.

22 Q. Was -- you're the only one he's told that  
23 to?

24 A. That's what he said.

25 Q. Not to STIU?

1 A. Yes, sir.

2 Q. Not to the police?

3 A. Yes, sir.

4 Q. Because if he had said something to STIU  
5 and that made it into a report, that would be  
6 paperwork on Mr. Perez; right?

7 A. Yes, sir.

8 Q. And if that paperwork made it into the  
9 hands of somebody, they might want to kill Mr.  
10 Perez?

11 A. Yes, sir.

12 Q. And he knew that there were these rumors  
13 out there so he's telling you, I didn't talk to  
14 anybody else; right?

15 A. Yes, sir.

16 Q. So let's go down just a little bit. So  
17 now I'm going to direct your attention over here to  
18 this paragraph. And Mr. Perez says -- or, excuse  
19 me, you say, "But hey, carnal, when that -- who did  
20 that, carnal? Who got the shanks from your walker?  
21 You know what I mean? To make them -- to even send  
22 the carnals on a mission like that. Ah, that was  
23 fucking -- you know what I mean?" Do you see that  
24 there?

25 A. Yes.

1 Q. Are you suggesting to Mr. Perez that that  
2 was kind of screwed up?

3 A. Yes, sir.

4 Q. I mean, we talked a little bit in your  
5 direct examination about sending people who were  
6 short timers, are going to get out of prison soon,  
7 to do this mission; right?

8 A. Yes, sir.

9 Q. But for Mr. Perez, at least as you  
10 understand it, he had -- he's telling you that a  
11 piece came from his walker?

12 A. Yes, sir.

13 Q. The walker that he had in his cell?

14 A. Yes, sir.

15 Q. And that after Mr. Molina got killed, it  
16 would be pretty well certain, wouldn't it, that  
17 somebody would notice a piece missing?

18 A. Yes, sir.

19 Q. That might put a target on Mr. Perez'  
20 back?

21 A. No, sir.

22 Q. So you don't -- I don't mean a target from  
23 the SNM, I mean a target from the people  
24 investigating the murder.

25 A. Yes, sir.

1 Q. So they see in Mr. Perez' cell, you had a  
2 walker with a piece and now you don't, that puts  
3 Mr. Perez in trouble; right?

4 A. Yes, sir.

5 Q. Does it not? And you're commenting a  
6 little bit on that, "You know, that -- fucking, that  
7 was -- you know what I mean?" That's what you're  
8 saying; right?

9 A. Yes, sir.

10 Q. And then you said, "You think ay. I don't  
11 know, carnal, I trip out on the way everything went  
12 down. Do you feel me? Do you feel what I'm  
13 saying?"

14 A. Yes.

15 Q. When you say you "trip out on the way  
16 everything went down," you're talking about you're  
17 sort of surprised about how it all went down?

18 A. I wasn't surprised. I was just trying to  
19 get him to talk to me and tell me that the fierros  
20 came from his waker. That's all it was.

21 Q. When you say the term "trip out," what  
22 does that term mean?

23 A. That means you were surprised. But I  
24 wasn't surprised.

25 Q. Okay. So the term "trip out" means

1 surprised?

2 A. Yes, sir.

3 Q. And Mr. Perez says here, "Kay, watcha.  
4 They come to me and they're like look Big Dog,  
5 something has to be taken care of, but we need  
6 squina. You don't have to do nothing. You don't  
7 have to do nada. You don't have to do fuck. We  
8 just need that." Did I read that right?

9 A. Yes, sir.

10 Q. So I think you testified to the jury on  
11 direct that he's talking about we need that, the  
12 walker?

13 A. Yes, sir.

14 Q. And the word "squina" means help?

15 A. Yes, sir.

16 Q. Correct? So you can help, can you not, by  
17 being quiet and not ratting out your other brothers?

18 A. That's what's expected, yes.

19 Q. Okay. That's one way to give squina?

20 A. Yes, sir.

21 Q. So let me ask you about another thing. If  
22 somebody has decided in the SNM to do a hit, and  
23 another brother, a soldier like you or like you  
24 characterized Mr. Perez, says no, I don't agree, I'm  
25 not going to help, that could put them in trouble,

1 can't it?

2 A. Yes. Because they're part of the SNM  
3 organization.

4 Q. And if they say no, and they get in the  
5 way or they try to stop it or they interfere, they  
6 could get hit?

7 A. No, because that's not the agreement we  
8 make when we come into the organization.

9 Q. So you're saying if they interfere with a  
10 hit, they can't get hit themselves?

11 A. Yes, they can, because --

12 Q. They can get hit. Okay. That's the  
13 answer to my question.

14 Or, for instance, if Mr. Perez didn't want  
15 to give squina and decided, I'm going to tell STIU  
16 or I'm going to tell the CO in the pod that they  
17 just took this piece, that he could be in trouble;  
18 right?

19 A. Yes.

20 Q. Okay. So let's look at the rest of that  
21 paragraph, if we can. I believe it goes over to the  
22 next page.

23 And so Mr. Perez had just said, "We just  
24 need that, you know what I'm saying? Do you  
25 understand what I'm saying?" And you clarify, "They

1 just need that piece from the walker; right?"

2 A. Yes.

3 Q. And his answer was, "After that, I didn't  
4 know nothing, brother."

5 A. Yes.

6 Q. So he's saying I don't know nothing so I'm  
7 not going to say nothing?

8 A. He's saying, in other words, I'm not going  
9 to rat.

10 Q. Okay. And he says a little bit further  
11 down, right here, "I -- and I felt -- okay. If I  
12 can't -- if I can't put in the work for the family I  
13 got to be willing to be able to do my part no matter  
14 how little or how big. Do you feel me?"

15 A. Yes, sir.

16 Q. Okay. Big could be, "Let me unscrew this  
17 piece from my walker and make shanks out of it for  
18 you," right?

19 A. No.

20 Q. That wouldn't be big?

21 A. No.

22 Q. Well, what about if he said, "Let me  
23 unscrew these pieces from my walker and make shanks  
24 and kill Javier Molina for you." That would be  
25 pretty big, wouldn't it?



1 A. If he did the hit himself, that's big.

2 Q. Okay. And little could be -- I'm just  
3 asking you what it could be, could be "I'm going to  
4 keep my mouth shut," right?

5 A. Yes.

6 Q. Let's go down just a little bit on that  
7 page. This is just a little further down.

8 MR. VILLA: And actually, can we just  
9 capture the question there, just above it?

10 Q. So Mr. Cordova, you asked the question,  
11 "Hey, but serio, from me to you, carnal, straight  
12 up, if it wasn't a justified move, would you have  
13 given them pieces to move on fucking Javier?"  
14 Right?

15 A. Yes.

16 Q. Because you thought he had actually given  
17 them the pieces himself; right?

18 A. Yes, he gave them the piece.

19 Q. And you have no idea whether Mr. Perez  
20 actually saw any paperwork on Javier Molina?

21 A. I didn't know.

22 Q. Because you weren't there?

23 A. No.

24 Q. And Mr. Perez says, "No, no. Cause I --  
25 to me, that's not -- that wouldn't have been a

1 family move. That would have been a personal issue.  
2 Why am I going to jeopardize myself? And I did  
3 because they took my walker and I already had  
4 nothing for over a year. You know what I mean?  
5 Because they kept saying, well, you abused your  
6 walker. That's why you lost it. I didn't abuse  
7 fuck. You feel me?" I read that right?

8 A. Yes, what he's --

9 Q. I'm not asking you a question yet. The  
10 question was, "I read that right?" And you said  
11 "Yes." Right?

12 A. You read it right.

13 Q. Okay. So here's my question to you: Rudy  
14 Perez is in his cell and he's sick. And do you know  
15 if he was able, physically, to fight off somebody  
16 that wanted to come take that piece from his walker?

17 A. Then he should have never been an SNM  
18 member.

19 Q. That's not my question, Mr. Cordova. Do  
20 you know if he was physically able to stop somebody  
21 from taking that piece from his walker? Yes or no.

22 A. Yes, he was.

23 Q. You think he was?

24 A. Yes. I know he was.

25 Q. Okay. Now, if somebody who is a

1 shot-caller says, "We're going to do this move  
2 whether it's justified or not, whether you think  
3 it's justified or not," he's a soldier; he doesn't  
4 have any say over that, does he? Yes or no.

5 A. Is he only justifiable? Yes, he does have  
6 a say over it.

7 Q. Well --

8 A. If it's justifiable, yes, he does have a  
9 say over it.

10 Q. Well --

11 A. If it's justifiable, yes, he has a say  
12 over it.

13 Q. Here's the question I have. If the  
14 decision has already been made that it's going to  
15 happen, could Mr. Cordova -- excuse me, could Mr.  
16 Perez as a soldier by himself stop it?

17 A. The reason why I asked if it was  
18 justified, if he wouldn't give it to him or not --

19 Q. Mr. Cordova, you're not answering my  
20 question.

21 A. Because I wanted the jury to know.

22 MR. VILLA: Judge, this is nonresponsive.  
23 I'd ask the witness to instruct --

24 A. If it's justifiable --

25 THE COURT: Hold on. Hold on. You'll get

1 a chance. If Mr. Castellano wants to bring out  
2 information, he can. But for the present time, just  
3 listen to Mr. Villa's question and answer only his  
4 questions.

5 THE WITNESS: Sorry about that, Your  
6 Honor.

7 BY MR. VILLA:

8 Q. Let me ask you this: Do you understand my  
9 question?

10 A. Yes.

11 Q. You're trying to tell the jury that you  
12 think he could have done something about it?

13 A. Yes, he could.

14 Q. You answered my question.

15 A. If it wasn't a justifiable hit.

16 Q. You answered the question.

17 All right. Let me talk to you about the  
18 next one. The audio was 178, the transcript is 179.

19 Okay. Do you remember testifying about  
20 this yesterday, where you said, "Uh, no, no, no,  
21 that's Bill and Jean thought. They said that,  
22 that's why you said something, huh"? Do you  
23 remember that?

24 A. What about it?

25 Q. Do you remember that testimony yesterday?

1 A. Yes, sir.

2 Q. And I think you testified that when you  
3 said, "That's Bill and Jean thought," you were just  
4 kind of messing around?

5 A. That's what I took it as. He was messing  
6 around.

7 Q. Okay. But this is you talking; right?

8 A. I might have been messing around. It's  
9 kind of like he said/she said stuff, instead using a  
10 guy's name and a girl's name, so Bill and Jean.  
11 It's like he said/she said.

12 Q. He said/she said, "Bill and Jean, they  
13 said that's why you said something, huh," right?

14 A. Yes.

15 Q. And you're referring to people saying that  
16 Rudy said something?

17 A. What I'm indicating there is that it's a  
18 he said/she said thing. So it's not justifiable.  
19 In other words, it will hold no weight within the  
20 family and politicking.

21 Q. The question I have for you is: You're  
22 referring to the rumors that Rudy said something.

23 A. Yes.

24 Q. About Molina?

25 A. Yes. It's a he said/she said thing. And

1 there is no way in politics, so you don't have to  
2 worry about it.

3 Q. Let's talk a little bit about that. You  
4 testified on direct that in 2015, the politics were  
5 all messed up in the SNM.

6 A. Yes, they were.

7 Q. And there was some people that got on the  
8 wrong side of the politics?

9 A. Yes, sir.

10 Q. So your idea of what the politics were  
11 wasn't the same as what some other people's idea  
12 was; right?

13 A. No, you're mis- -- you're misinterpreting  
14 it.

15 Q. Well, there is a disagreement over some of  
16 the politics; right?

17 A. Disagreements where politics are being --  
18 yes, there was.

19 Q. And we've heard some other testimony about  
20 this in the trial but let me ask you this: There  
21 were some people that talked about how they were  
22 upset that people were moving on other brothers  
23 without paperwork.

24 A. Yes.

25 Q. And that was something in the politics

1 that people weren't happy about; right?

2 A. Yes. That would happen in the past.

3 Q. You answered my question, Mr. Cordova.

4 And just a little bit further down,  
5 Mr. Perez answers your question here when you're  
6 talking about the he said/she said. He said,  
7 "Yeah."

8 And you said, "Cause the shanks came from  
9 your walker."

10 And Mr. Perez said, "Yeah."

11 And you said, "That's why -- that's --  
12 that's why the homies were thinking maybe you said  
13 something," right?

14 A. Yes.

15 Q. That's what you were getting at?

16 A. Yes.

17 Q. And I'm going to jump down just a little  
18 bit here, where Mr. Perez is saying -- he's  
19 referring to Trigger, right? And he said, "That's  
20 another SNM member"?

21 A. Yes, sir.

22 Q. He's saying that he told somebody, "I  
23 don't think Ra Ra is strong enough to keep his mouth  
24 shut about this." He's talking about himself;  
25 right? That Mr. Perez wasn't strong enough to keep

1 his mouth shut?

2 A. Yes, sir.

3 Q. You testified about that on direct?

4 A. Yes, sir.

5 Q. That he wasn't strong enough, maybe  
6 because of his health condition?

7 A. Yes, that was the talk.

8 Q. And you talked about how some people  
9 break; right?

10 A. Yes, sir.

11 Q. And maybe they haven't talked, but if  
12 they're weak or they're not strong enough or there  
13 is a fear that they might break, then they will go  
14 talk?

15 A. Yes, sir.

16 Q. And if somebody has that worry, there is  
17 one way to make sure that person doesn't talk;  
18 right?

19 A. Yes, sir.

20 Q. Hit them?

21 A. Yes, sir.

22 Q. Move on them?

23 A. Yes, sir.

24 Q. Let's go down just a little bit further.

25 We've still got it in the view here.



1 Right here, Mr. Perez tells you, "When  
2 everything went down and the discovery actually got  
3 there, Baby G shot me with -- we got -- he said,  
4 "Rudy, don't worry. It's exactly like you said.  
5 That's the honest to God's fuckin truth. I put that  
6 on my UI. I never said nothing, Shadow, and I never  
7 will, dog. Feel me?"

8 A. Yeah.

9 Q. So he's reiterating to you that he never  
10 said anything?

11 A. Yes. What he's reiterating to me --

12 Q. You answered my question. Okay? It was a  
13 yes or no question.

14 And he's referring back to discovery. You  
15 told the jury yesterday discovery is like the  
16 paperwork in the case; right?

17 A. Yes.

18 Q. And the paperwork he's actually talking  
19 about, the discovery is from the state case, the  
20 original state homicide charges against the -- Jerry  
21 Montoya and Jerry Armenta?

22 A. Yes, sir.

23 Q. Okay. But at this point in time that  
24 state case had been dismissed; right?

25 A. I don't know.

1 Q. That's okay if you don't know. But at  
2 this point in time, the feds had done their first  
3 RICO indictment; right?

4 A. Yes, sir.

5 Q. And they had indicted some of the people  
6 accused in the Javier Molina murder; right?

7 A. At what -- at what point?

8 Q. At this point in time, in February when  
9 you're talking to Mr. Perez.

10 A. At that time when I'm talking to him, yes.

11 Q. Okay. Because you said that they indicted  
12 some people but not others, and that was the reason  
13 you were going after Mr. Perez and Mr. Herrera;  
14 right?

15 A. Yes, sir.

16 Q. Okay. And all of that discovery, you  
17 didn't necessarily know what was in all that new  
18 discovery?

19 A. No, sir.

20 Q. Okay. So the discovery that's referred to  
21 here is the discovery from the state?

22 A. Yes, sir.

23 Q. And in that case, as far as you knew,  
24 there was just a couple people charged in the  
25 murder?

1 A. Yes, sir.

2 Q. Then the fed case happened, and there were  
3 more people charged in the murder?

4 A. Yes, sir.

5 Q. So if Mr. Perez had said something to  
6 somebody else, and it ended up in, like I say, STIU,  
7 and it ended up in paperwork, it might end up in the  
8 new discovery?

9 A. I don't know if he did. Did he?

10 Q. I'm just asking you, it's possible that  
11 that could happen?

12 A. I don't know why you keep on insinuating  
13 like he did say something as to that, so I was  
14 just --

15 Q. Well, you don't know, do you?

16 A. I don't.

17 Q. Okay. But if he had, it might end up in  
18 paperwork that could fall in the wrong hands?

19 A. All right.

20 Q. Could it?

21 A. Could it end up in the wrong hands, what  
22 do you mean?

23 Q. Meaning there is something, a statement  
24 comes out within a week or two after the Javier  
25 Molina murder, Mr. Perez talks to STIU and says

1 something. If that came out on paper, Mr. Perez  
2 could be in trouble?

3 A. Of course.

4 Q. Okay. Let's go over to page 20539. So,  
5 Mr. Cordova, this is a little later on in the same  
6 conversation. Mr. Perez says, "Uh, and like you say  
7 Shadow, that's -- that's not just our friendship but  
8 as my carnal, my friend, everything. I put that on  
9 my -- mi jita, the love of my life, man. I've never  
10 disrespected the onda, UI, against our rules. You  
11 feel me?"

12 A. Yes, sir.

13 Q. The onda refers to the SNM; right?

14 A. Yes, sir.

15 Q. And one of the rules of the SNM is not to  
16 talk?

17 A. Yes, sir.

18 Q. Not to say anything?

19 A. Yes, sir.

20 Q. So he's telling you here that he hasn't  
21 disrespected the onda or the rules?

22 A. Yes, sir.

23 Q. All right. I'm going to go to the next.  
24 So the audio was 180, the transcript is 181.

25 Mr. Cordova, this is the next recording,

1 and I'm on the first page. Mr. Perez here is  
2 telling you, "I tell you, all that came out  
3 afterwards, because, like I say, at first, I  
4 thought, oh, they're just homies. You know what I  
5 mean? You just showed some homies up cool, because  
6 other vatos UI them fuckers is true, eh?" So he's  
7 saying all that came out afterwards. He's talking  
8 about some of the facts regarding Javier Molina;  
9 right?

10 A. Yes, sir.

11 Q. So a lot of information that came out  
12 afterwards is something that you guys were talking  
13 about?

14 A. Yes, sir.

15 Q. So let's jump down here. It says, "Well,  
16 because I hear him say he had him on the payment  
17 plan, no?" Do you see that?

18 A. Yes, sir.

19 Q. I think you testified about that  
20 yesterday, you're talking about Javier Molina being  
21 on the payment plan?

22 A. No. He's being extorted.

23 Q. Javier Molina?

24 A. Yes, sir.

25 Q. He's being extorted by others because

1 there's this paperwork out there?

2 A. Yes, sir.

3 Q. And this is going back to why he wasn't  
4 killed earlier?

5 A. Yes, sir.

6 Q. And so this information is information  
7 that came out after the fact; right?

8 A. Yes, sir.

9 Q. You don't know that Mr. Perez knew  
10 anything about it until 2016?

11 A. Yes, sir.

12 Q. So now he says to you, "That didn't have  
13 to go down like that. It was so sloppy. Honestly,  
14 though, after everything was said and done,  
15 something, I'm not going to say who, somebody said  
16 them vatos was sitting on a two foundation. Do you  
17 feel me? Do you feel me?"

18 A. Yes, sir.

19 Q. What is a two foundation?

20 A. Probably a two-man crew, the guys that  
21 knew about it, should have had it done and they  
22 didn't. They were sitting on a two-man foundation  
23 extorting the individual for narcotics.

24 Q. Okay. And you have no idea whether  
25 Mr. Perez knew that himself or only found out about

1 it after the fact?

2 A. Correct.

3 Q. Let's go over to the next page. Okay. On  
4 this page, Mr. Perez is telling you, "I tell you,  
5 bro, just even talking about it now gets me mad,  
6 bro, because some of that shit is not right, eh, the  
7 way it was done. But I ain't nobody, homie, I'm  
8 just -- I'm just a motherfucker too." Do you see  
9 that?

10 A. Yes, sir.

11 Q. You told the jury yesterday he's talking  
12 about the way the Javier Molina murder went down?

13 A. Yes, sir.

14 Q. That it gets him mad?

15 A. No. What gets him mad is that we were  
16 coming out to the lines and that set us back.

17 Q. Okay. Well, he says, "The way it was  
18 done." He's talking about the way Javier Molina was  
19 done?

20 A. Yes. After everything was done, what  
21 happened afterwards.

22 Q. But my question to you is: He's talking  
23 about the way the Javier Molina murder was done?

24 A. Yes.

25 Q. Okay. And then he says, "But I ain't

1 nobody, homie," right?

2 A. Yes.

3 Q. Meaning he's just a little guy, he's not a  
4 shot-caller?

5 A. Yes, sir.

6 Q. "I'm just a motherfucker too," that's what  
7 he's saying?

8 A. Yes, sir.

9 Q. And you said here, "Oh, the same person  
10 that told you, hmm, you're on a suicide mission,  
11 probably the same person that told you was, you  
12 know, you know, carnal, you know that was over."  
13 The suicide mission was what you talked about  
14 yesterday, the sending those guys in with the video,  
15 on video camera and that sort of thing; right?

16 A. Yes, sir.

17 Q. Doing the stabbing instead of choking him  
18 out?

19 A. Yes, sir.

20 Q. And Mr. Perez was not happy about that,  
21 was he?

22 A. Yes, sir.

23 Q. He didn't agree with that?

24 A. Yes, sir.

25 Q. And he's making clear to you that he's not



1 the one that made the decision?

2 A. Yes, sir.

3 Q. Let's go to the last page. So Mr.

4 Cordova, this is the same recording. Mr. Perez

5 says, "I'm solid as a motherfucker, dog." Do you

6 see that?

7 A. Yes, sir.

8 Q. And solid has different meanings, doesn't

9 it? Solid could be I'm a good guy, I'm a good

10 carnal, I'm a good brother, I'm a tough guy; right?

11 It could mean that.

12 A. That's what it means.

13 Q. It could also mean I'm solid, I'm not

14 going to tell?

15 A. All that is within a solid dude.

16 Q. You don't tell?

17 A. That one word means all of those.

18 Q. Okay. And you said, "Well, see, this is

19 what I heard, ese, was that the mission was supposed

20 to be to send a message to the administration

21 because they were starting that program." So you're

22 saying you heard the mission, the mission is the

23 Javier Molina murder; right?

24 A. Yes, sir.

25 Q. And that was a message to the

1 administration about starting the dropout program;  
2 right?

3 A. Yes, sir.

4 Q. And Mr. Perez says, "I didn't hear that  
5 one"?

6 A. Yes, sir.

7 Q. And he's telling you he didn't know about  
8 that; right?

9 A. About that?

10 Q. About what you just said.

11 A. About the program?

12 Q. Yes.

13 A. Yes.

14 Q. Or that the message was supposed to be a  
15 message to the administration. He's saying I didn't  
16 hear that.

17 A. He's just saying that he didn't know it  
18 was going to be a message to the administration.

19 Q. He says down here, "I didn't hear that  
20 message. I didn't hear or see it, but they left  
21 several other issues on the table like that, like me  
22 and you have talked about."

23 A. Yes.

24 Q. And as far as you know, Mr. Perez was  
25 telling you the truth, that he didn't know that?

1 MR. CASTELLANO: Objection. Calls for  
2 speculation.

3 A. I can't -- I can't verify that.

4 THE COURT: I guess he's saying he can't  
5 verify it.

6 MR. VILLA: And that was my question,  
7 whether he knows or not.

8 BY MR. VILLA:

9 Q. You don't know?

10 A. I don't know.

11 Q. All right. Let's go to the next, the  
12 audio recording that was played was 184 and the  
13 transcript is 185.

14 Okay. Mr. Cordova, here you're asking  
15 "That vato Jesse that was just here, that fool Jesse  
16 Sosa," right?

17 A. Yes, sir.

18 Q. Jesse Sosa was actually on the other side  
19 of you when you were recording Mr. Perez; right?

20 A. Yes, sir.

21 Q. You're talking about "Hey, that guy that  
22 was just here"?

23 A. Yes, sir. He left.

24 Q. He had already left?

25 A. Yes.

1 Q. All right. And Mr. Perez says, "Yeah."  
2 And you said, "That's the paperwork they had that  
3 they used to hit that fool, huh," right?

4 A. Yes, sir.

5 Q. "Hit that fool," you're talking about  
6 Javier Molina?

7 A. Yes, sir.

8 Q. Rudy says, "I don't know," right?

9 A. Yes, sir.

10 Q. He says he doesn't know?

11 A. Yes, sir.

12 Q. He says, "I don't know, I've never seen  
13 it. I hear about it." And you said, "You only hear  
14 about it?" And he said "Yeah," right?

15 A. Yes, sir.

16 Q. He's telling you he didn't know about that  
17 paperwork.

18 A. Yes, sir.

19 Q. And you don't know if that's true or not,  
20 do you?

21 A. I don't.

22 Q. As far as you know, it is the truth?

23 A. I don't know that either.

24 Q. Okay. Let's go to the next page.

25 Mr. Perez, a little later in the

1 conversation says -- well, you said to him, "So that  
2 was it. It was the paperwork on Jesse Sosa." And  
3 he's saying, "that -- that -- that, that was part of  
4 it. And then Archie's boy was the other half."  
5 Right?

6 A. Yes.

7 Q. So he, like you and everybody else, had  
8 heard later about the paperwork on Jesse Sosa?

9 A. Yes, sir.

10 Q. Okay. And then you're asking him, "Well,  
11 what did -- what did Javier have to do with that  
12 mess?" You're talking about Archie's boy; right?

13 A. Yes, sir.

14 Q. So let's flip to the next page. And  
15 just -- there you go. Mr. Perez says, in response  
16 to that, "I don't know, brother, I don't know. I  
17 mean, that's why I'm telling you. I'm like in a  
18 way -- I don't even want to know, dog, because you  
19 know what I mean? So I just -- it's in my head,  
20 though. I'm always like, what the fuck with that?  
21 I don't ask nobody. I just -- I just keep -- keep  
22 my mouth, and I just thought about it, you know what  
23 I mean? And like I say, dog, that day I told them  
24 vatos not, like, think about that, and they  
25 basically told me, you know what? Ay, this is going

1 to happen regardless. Just stay out of it." Did I  
2 read that right?

3 A. Yes, sir.

4 Q. He's talking about the day of Javier  
5 Molina, isn't he?

6 A. Yes, sir.

7 Q. He's telling you that he was told, You  
8 know what? This is going to happen regardless.  
9 Just stay out of it.

10 A. Yes, sir.

11 Q. Let's go just a little further in the same  
12 conversation.

13 Okay. Mr. Cordova, again here Mr. Perez  
14 is talking about "47 days to the house." And we  
15 heard about that last -- yesterday, about how some  
16 of the people who were involved in the Javier Molina  
17 murder just were short timed to get out of prison;  
18 right?

19 A. Yes, sir.

20 Q. "47 days to the house" means 47 days till  
21 they get released from prison; right?

22 A. Yes, sir.

23 Q. And so Mr. Perez is talking to you about  
24 this; right?

25 A. Yes, sir.

1 Q. And he says right here, "Like I say, they  
2 told me to shut up and just stay out of it and they  
3 did what they wanted to do. Then later on, suicide  
4 mission was there." Do you see that?

5 A. Yes, sir.

6 Q. And you said, "So why did you give them  
7 the pieces, carnal?"

8 He says, "Huh?"

9 You asked him, "Why did you give him the  
10 pieces if you didn't?"

11 He says "What?"

12 You said, "You should have just told them  
13 fuck you."

14 And Rudy says, "I just -- I just get out  
15 of it. Let them do their own thing. I was nobody.  
16 I was just -- fuck it."

17 And you say, "Yeah, but they fucking --  
18 they got them from your fucking -- from your walker,  
19 carnal. Could have gotten you caught up, you know  
20 what I'm saying?"

21 Did I read that right?

22 A. Yes, sir.

23 Q. When you say "caught up," you mean get him  
24 in trouble; right?

25 A. Charged.

1 Q. Charged. And Rudy says, "Oh, it did. It  
2 did. Look where I'm at." Right?

3 A. Yes, sir.

4 Q. And then you said, "Yeah." And then,  
5 "Yeah. They used those as the fierros, you know  
6 what I'm saying? That could -- shit could have  
7 gotten you -- yeah, I know this is where you're at,  
8 but still. You get what I'm saying? I don't  
9 understand that."

10 Then we'll go to the next page. Let's do  
11 a full answer.

12 And you said, "Carnal, it's all good  
13 though." Is it -- "it is what it is, ese, you know  
14 what I mean?"

15 And Rudy says, "That's -- that's -- that's  
16 why I say yeah, I just go there. I just got out of  
17 the hold and I was real sick." Do you remember that  
18 part?

19 A. Yes, sir.

20 Q. The hold, I think when we heard the audio,  
21 was the hole; right?

22 A. Yes, sir.

23 Q. The hole is often referred to as being in  
24 solitary confinement or being in some sort of  
25 administrative segregation?



1           A.    It's the same thing as the North.  You go  
2 to your cell.

3           Q.    You're there the whole time.  Or you only  
4 get out like five days a week and stuff like that?

5           A.    Yes, sir.

6           Q.    And he says, "I was real sick," right?

7           A.    Yes, sir.

8           Q.    And he says, "So for me to actually  
9 participate in doing some dirt, physically I wasn't  
10 able to.  But we all have to do our part, you know  
11 what I mean?  One way or another, homes, everybody  
12 has to put their part.  You feel me?"

13                   And he says, "What do you mean?"

14                   And he says, "Everybody has to do their  
15 part, homes."  Do you see that?

16           A.    Yes, sir.

17           Q.    And one job he has to do is to keep quiet;  
18 right?

19           A.    Keep quiet.

20           Q.    Yes or no, is that one of the jobs?

21           A.    That's one of the jobs, yes, sir.

22           Q.    That's a part that he has to play, he has  
23 to be quiet; right?

24           A.    Yes, sir.

25           Q.    Let's go now in the same discussion.

1           It's in the next one. Let's look at the  
2 next one. The audio is 186 and the transcript is  
3 187. So here in this next conversation you have  
4 Mr. Perez says to you, "But you know, hey, I'm  
5 nobody. I keep right in the back and I keep my  
6 mouth shut the way I'm supposed to. And if I'm --  
7 if needed for something, they'll bring it to my  
8 attention and I'll do my part. But if it don't  
9 concern me or whatever they got going on, it's their  
10 business. Do you know what I mean?"

11           A. Yes, sir.

12           Q. He's talking about the Molina case; right?

13           A. Yes, sir.

14           Q. That I'll keep my mouth shut the way I'm  
15 supposed to; right?

16           A. Yes, sir.

17           Q. "If it don't concern me or whatever they  
18 got going on, it's their business, do you know what  
19 I mean?" Right?

20           A. Yes, sir.

21           Q. The last one I want to talk to you about,  
22 Mr. Cordova, is the audio is 188 and the exhibit is  
23 189 for the transcript. So in this conversation,  
24 Mr. Cordova, you talk to Mr. Perez and say, "Yeah,  
25 well, they say you need to be handled, so they got

1 it handled. So I don't know. Who knows the real  
2 truth behind some of that? But you know, you know  
3 what I'm saying? There's the truth, we know the  
4 truth. Me and you know the truth. You know what I  
5 mean?" Again, you're still talking about Molina;  
6 correct?

7 A. Yes, sir.

8 Q. And Mr. Perez says, "Um-hum."

9 You said, "But very few really know what  
10 happened there. You know what I'm saying?"

11 A. Yes, sir.

12 Q. You're talking about very few people know  
13 where the shanks came from?

14 A. No, we're talking about very few people  
15 knew what happened there about the murder.

16 Q. Part of that is where the shanks came  
17 from; right?

18 A. Yes, sir.

19 Q. And Mr. Perez says, "And none of that was  
20 right, brother. Yes, it had to be done, but it sure  
21 as fuck did not have to be done like that." Right?

22 A. About the murder?

23 Q. Yeah.

24 A. Yes, sir.

25 Q. So you heard him earlier say he'd never

1 seen the Javier Molina paperwork; right?

2 A. Yes, sir.

3 Q. And then later he's talking about the  
4 paperwork because by 2016, everybody is talking  
5 about it; right?

6 A. Yes, sir.

7 Q. And so he's saying well, if there's  
8 paperwork, then it had to be done; right?

9 A. Yes, sir.

10 Q. But here he says, "But it sure as fuck did  
11 not have to be done like that."

12 A. Yes, sir.

13 Q. So he's not agreeing with the way it was  
14 done.

15 A. He's not agreeing with it. It should have  
16 been cleaner, yes.

17 Q. He's not in agreement with how it was  
18 handled?

19 A. Yes, it should have been cleaner is what  
20 he's trying to state.

21 Q. Well, that's your interpretation. But you  
22 agree with me that he didn't agree the way the  
23 Javier Molina murder was handled?

24 A. No, that's what he said. It should have  
25 been done cleaner.

1 Q. He doesn't get to make that decision;  
2 right?

3 A. No, he don't.

4 Q. Now, Mr. Cordova --

5 MR. VILLA: May I have just a second?

6 Q. I think you testified that you were closed  
7 by the FBI as an informant in January of this year?

8 A. No, last year.

9 Q. I apologize. It was January of last year?

10 A. Yes, sir.

11 Q. So it's January of 2017?

12 A. Yes, sir.

13 Q. When you're closed that means that you no  
14 longer work for the FBI; right?

15 A. Correct.

16 Q. And you were closed because you had  
17 violated rules?

18 A. Yes, sir.

19 Q. And one of the rules that you violated was  
20 having sex in the contact room?

21 A. Yes, sir.

22 Q. So you understood when the FBI opened you  
23 as an informant that you were supposed to follow all  
24 the rules; right?

25 A. Yes, sir.

1 Q. And if you're out on the street that means  
2 don't break the law?

3 A. Yes, sir.

4 Q. If you're in prison, it means follow the  
5 rules of the prison?

6 A. Yes, sir.

7 Q. But you didn't do that?

8 A. No, sir.

9 Q. So let me show you --

10 MR. VILLA: I'm going to move to admit,  
11 Your Honor, Exhibit ADZ. It's a video from the  
12 contact room. I apologize, AD2. I believe it's  
13 without objection.

14 MR. CASTELLANO: It is the objection as  
15 previously noted, Your Honor.

16 THE COURT: All right. So I'll admit --  
17 anybody else have any objection? All right. Not  
18 hearing any, Defendants' Exhibit -- I'm still not  
19 quite certain I know what it is.

20 MR. VILLA: I apologize. It's AD2. The  
21 Number 2.

22 THE COURT: A an in apple, D as in dog, 2.

23 MR. VILLA: Yes, Your Honor.

24 THE COURT: Defendants' Exhibit AD2 will  
25 be admitted into evidence.

1 (Defendants' Exhibit AD2 admitted.)

2 BY MR. VILLA:

3 Q. Now, before I hit the start, Mr. Cordova,  
4 you know that there is video from the contact room  
5 where you were having sex with your wife?

6 A. I believe so.

7 Q. And you did that with your wife in front  
8 of your children?

9 A. Yes, sir.

10 Q. How old were your children?

11 A. 11 and 12.

12 Q. 11 and 12 years old?

13 A. Yes, sir.

14 Q. So you didn't say, "Leave the kids at home  
15 and come see me." The kids came with you?

16 A. Yes, sir.

17 Q. Let's go ahead and play it.

18 (Tape played.)

19 Q. Now, let's pause it there. Mr. Cordova, I  
20 paused it, October 30, 2016, 02:00:20 p.m. Right?

21 A. Yes, sir.

22 Q. Is that you and your wife?

23 A. Yes, sir.

24 Q. And then it's blurred out, but those two  
25 there are your children?

1 A. Yes, sir.

2 Q. You can continue.

3 (Tape played.)

4 Q. Mr. Cordova, in the last clip that we saw,  
5 that was from January 1st of 2017?

6 A. Yes, sir.

7 Q. And in that particular clip you were  
8 engaged in sexual activity with your wife?

9 A. Yes, sir.

10 Q. But the children weren't there that time?

11 A. No, sir.

12 Q. They were there the other time?

13 A. They were there, they were escorted to the  
14 restroom.

15 Q. I understand. Now, after that happened,  
16 it was discovered that you did that; right?

17 A. Yes, sir.

18 Q. And Agent Acee came to see you?

19 A. He came to see me.

20 Q. After he came to see you, he closed you as  
21 a cooperator with the FBI?

22 A. Yes, sir.

23 Q. Right? Because you were breaking the  
24 rules?

25 A. Yes, sir.



1 Q. So since that time, you have not done any  
2 other work for the FBI?

3 A. I believe no.

4 Q. Well, you believe or you don't?

5 A. No.

6 Q. You did or didn't do anything else for the  
7 FBI?

8 A. No.

9 Q. Right? Because you couldn't be trusted  
10 anymore?

11 A. You could say that, yes.

12 Q. And are you on speaking terms with your  
13 wife and children?

14 A. Yes.

15 Q. You still are?

16 A. Yes.

17 Q. We talked about some of the money that the  
18 FBI paid you.

19 THE COURT: I'll tell you what. Let me  
20 see what the jury wants to do. And if y'all have  
21 plans, anybody can pipe in here. Do you want to  
22 take a break and then do a later lunch? Or would  
23 you prefer to go ahead and just break now and take  
24 our lunch now?

25 How many of you prefer to -- I think I

1 messed everybody up last Friday by just taking an  
2 earlier lunch. How many of you would prefer to take  
3 a 15-minute break and then take our lunch in about  
4 an hour and a half after that? Looks like about  
5 everybody. Does that mess up any plans for counsel,  
6 parties, anybody?

7 All right. So why don't we take about a  
8 15-minute break? We'll come back in and take a late  
9 lunch. All rise.

10 (The jury left the courtroom.)

11 THE COURT: All right. We'll be in recess  
12 for about 15 minutes.

13 (The Court stood in recess.)

14 THE COURT: All right. Let's go on the  
15 record. Is there anything we need to discuss before  
16 we bring the jury in, Mr. Beck?

17 MS. JACKS: Your Honor, just in terms of  
18 witness scheduling.

19 THE COURT: Hold on. Mr. Beck had  
20 something.

21 MR. BECK: No, Your Honor.

22 THE COURT: How about you, Ms. Jacks?

23 MS. JACKS: Just in terms of witness  
24 scheduling, are we going to take the lunch break at  
25 around 1:30?

1 THE COURT: Yes.

2 MS. JACKS: So we'd resume at 2:30 after  
3 lunch?

4 THE COURT: That's correct.

5 MS. JACKS: Got it.

6 THE COURT: Anybody else from the defense  
7 side have anything? That's assuming we can get  
8 everybody in here. I think Mr. -- the witness, I  
9 think, wanted to talk to his attorney who is not  
10 here today. So there may be a delay there. I don't  
11 know.

12 THE WITNESS: No, I was stating earlier, I  
13 guess I misunderstood his question when he asked me  
14 about drug use. And the Government asked me, and I  
15 want to be honest with them, that's why told them  
16 yes, I had been using drugs. Not because I got  
17 busted using drugs, but because I wanted to be  
18 honest. And I thought I was honest.

19 The last time I must have misunderstood  
20 the question. When I was in the streets, I wasn't  
21 using drugs. I was on methadone. Since I've been  
22 back in the Department of Corrections, here and  
23 there I've done drugs. It's been kind of  
24 conflicting emotions within myself for doing this,  
25 you know.

1           So if I -- you know, if I lied, I want to  
2 apologize. I didn't really understand the question  
3 last time, so sorry about that.

4           THE COURT: All right. All rise.

5           (The jury entered the courtroom.)

6           THE COURT: All right. Mr. Cordova, I'll  
7 remind you that you're still under oath.

8           THE WITNESS: Yes, Your Honor.

9           THE COURT: Mr. Villa, if you wish to  
10 continue your cross-examination of Mr. Cordova, you  
11 may do so at this time.

12          MR. VILLA: Thank you, Your Honor.

13          THE COURT: Mr. Villa.

14 BY MR. VILLA:

15          Q. Mr. Cordova, when we left off, we were  
16 talking about benefits. And so I want to talk a  
17 little bit about that. The video that we watched,  
18 that took place at the Penitentiary of New Mexico?

19          A. Yes, sir.

20          Q. And at the Penitentiary of New Mexico, you  
21 were in the North unit?

22          A. Yes, sir.

23          Q. And normally in the North unit you don't  
24 get contact visits; right?

25          A. Normally no.

1 Q. But you got contact visits?

2 A. Yes, sir.

3 Q. And you were in a pod where there were  
4 other individuals who were working for the  
5 Government; right?

6 A. Yes, sir.

7 Q. And those individuals were given contact  
8 visits?

9 A. I can't confirm that or deny it.

10 Q. Okay. But you were all in the same pod  
11 together, correct?

12 A. Yes, sir.

13 Q. And I want to show you what's already been  
14 admitted as Defense's EJ. This is a letter,  
15 Mr. Cordova, that was dated August 26, 2016, to the  
16 warden German Franco. Was he the warden at the time  
17 you were there?

18 A. Yes, sir.

19 Q. And let me show you the second page of the  
20 letter. Have you ever seen this letter before?

21 A. Can you go back? I don't even know what  
22 the letter said.

23 Q. Let me show you. Before we go back, do  
24 you see here at the bottom it has your name?

25 A. Yes, sir.

1 Q. And an NMCD number?

2 A. Yes, sir.

3 Q. That's your NMCD number, correct?

4 A. Yes, sir.

5 Q. And it's signed by you and these other  
6 individuals: Jerry Armenta, Benjamin Clark, Robert  
7 Martinez and Frederico Munoz?

8 A. Yes, sir.

9 Q. Those were all individuals who were in the  
10 pod with you at PNM North, correct?

11 A. Yes, sir.

12 Q. And all working for the Government?

13 A. Yes, sir.

14 Q. Okay. So we'll go back to the front of  
15 the letter so you can see it.

16 A. Yes, sir.

17 Q. So let's --

18 A. Yes, sir. I remember that.

19 Q. You've seen this letter?

20 A. I didn't see the letter, but --

21 Q. Do you remember it was written?

22 A. I remember the evening that took place.

23 Q. That was the party you told Mr. Castellano  
24 about?

25 A. Yes, sir.

1 Q. Where your families were allowed to come?

2 A. Yes, sir.

3 Q. And that's not something that's normally  
4 allowed at PNM North, is it?

5 A. I don't think so. I don't know.

6 Q. Let me blow up this paragraph for you  
7 right there. So the letter says right here, "Each  
8 of us made the decision, according to his  
9 conscience, to reject the beliefs and values that  
10 motivated our shameful involvement in the SNM. Now  
11 we individually desire to become full and  
12 responsible participants in our society." Do you  
13 see that?

14 A. Yes. I didn't write that, though.

15 Q. But your name is on it; right?

16 A. Yes.

17 Q. And I presume on August 26, 2016 you  
18 desired to become a full and responsible participant  
19 in society?

20 A. Yes, sir.

21 Q. And August 26, 2016 is before the date of  
22 those videos we saw you with your wife and children?

23 A. Yes, sir.

24 Q. And it's before the time in December when  
25 you used the drugs that you testified about?

1 A. Yes, sir.

2 Q. So after this letter went out and after  
3 that party, you did those things?

4 A. Yes, sir.

5 Q. By the way, the video that we saw was of  
6 your wife Crystal?

7 A. Yes, sir.

8 Q. The same wife who you attacked in 2010,  
9 correct?

10 A. Yes, sir.

11 Q. And I think I forgot to ask you about this  
12 when I was talking about that incident. You  
13 testified already that you broke her jaw. How many  
14 times did you hit her in the face?

15 A. I can't recall.

16 Q. More than once; right? Right?

17 A. I can't recall.

18 Q. You knocked her upper teeth in, didn't  
19 you?

20 A. Yes, sir.

21 Q. And broke her jaw?

22 A. Yes, sir.

23 Q. So you probably hit her more than once,  
24 didn't you?

25 A. Yes, sir.



1 Q. And that's one of the convictions for  
2 which you were serving time in the prison system in  
3 New Mexico?

4 A. Yes, sir.

5 Q. And they allowed your wife despite that to  
6 come see you?

7 A. My wife has always been on my visiting  
8 list.

9 Q. Okay. But the prison is allowed to  
10 restrict you from getting visitors; right?

11 A. In that case, no, because that's a court  
12 issue.

13 Q. I'm not asking about your wife  
14 specifically. I'm asking you if you know whether  
15 the prison is allowed to restrict you from getting  
16 visitors?

17 A. Yes.

18 Q. And one of the people they restricted,  
19 like we talked about, is your mom?

20 A. Yes, sir.

21 Q. And I think it was your testimony that one  
22 of the reasons you did that is you saw a flaw in the  
23 system and you took advantage of it.

24 A. Yes, sir.

25 Q. Same sort of manipulation that you did

1 when you were able to attack that prisoner at MDC;  
2 right?

3 A. Yes and no.

4 Q. I mean, it's all manipulation, isn't it?

5 A. Yes, sir.

6 Q. Now, you testified under oath right before  
7 the break that you aren't working for the FBI  
8 anymore?

9 A. Yes, sir.

10 Q. And you weren't working for them after  
11 they closed you in January of 2017?

12 A. Yes, sir.

13 Q. Before that, you were getting money and  
14 benefits from the FBI; right?

15 A. Yes, sir.

16 Q. And they were putting it on prison books?

17 A. Yes, sir.

18 Q. They also gave some of that money to your  
19 wife Crystal?

20 A. I can't recall.

21 Q. You don't know if Agent Acee give her  
22 money for school supplies?

23 A. At this time I can't recall that.

24 Q. We can ask him about that. Let me ask you  
25 this. Did you get to decide whether the federal

1 government was going to charge you in this case or  
2 not?

3 A. Did I get to decide?

4 Q. Yes, sir.

5 A. No.

6 Q. So if you told your wife that you got to  
7 decide, would that be a lie to her?

8 A. Yes, sir.

9 Q. And you're saying you didn't get to make  
10 the decision about whether you could be charged in  
11 this case, enter a plea and have that time be  
12 concurrent to your state time?

13 A. I could have, but I didn't.

14 Q. So you did get that choice?

15 A. No, I didn't have a choice. But it could  
16 have happened.

17 Q. I see. It could have happened. But  
18 you're saying you didn't get that choice?

19 A. Didn't get that choice.

20 Q. But you told your wife you could make that  
21 choice, didn't you?

22 A. Yes, sir.

23 Q. And that was a lie?

24 A. Well, at that time I didn't know whether I  
25 was going to be charged or not.

1 Q. Well, did you know at the time you told  
2 your wife whether you were being truthful with your  
3 wife?

4 A. I probably wasn't being truthful with my  
5 wife.

6 Q. Okay. And while you were under oath  
7 before we took the break, and you said that you had  
8 been terminated by the FBI and no longer using them,  
9 you were being truthful?

10 A. Yes.

11 Q. Isn't it true that in April of 2017, after  
12 you were closed, you were asked to record another  
13 individual?

14 A. Who was the individual?

15 Q. Do you agree that on April 1st and April  
16 3rd, 2017 that you conducted recordings of a Gabriel  
17 Valdivia?

18 A. For STIU, yes.

19 Q. And you weren't working with FBI Agent  
20 Nancy Stemo?

21 A. To my knowledge, no. It was STIU that I  
22 had given the information to.

23 Q. Okay. So you deny that FBI Agent Nancy  
24 Stemo was involved in that process?

25 A. If she was, I had no knowledge of that.

1 MR. VILLA: May I have just a moment, Your  
2 Honor?

3 THE COURT: You may.

4 MR. VILLA: I'll pass the witness.

5 THE COURT: All right. Thank you,  
6 Mr. Villa.

7 Ms. Bhalla?

8 MS. BHALLA: Yes, Your Honor.

9 THE COURT: Do you have cross-examination?  
10 While you're coming up, let me mention,  
11 Richard Jewkes, Mr. Sanchez's lawyer, has left the  
12 courtroom to attend some funeral services. His  
13 girlfriend's mother passed away and the services are  
14 this afternoon in El Paso. So he's going to head  
15 down there.

16 But Ms. Jacks will ably represent  
17 Mr. Sanchez this afternoon in Mr. Jewkes' absence.

18 All right. Ms. Bhalla, if you have  
19 cross-examination, you may proceed.

20 MS. BHALLA: Thank you, Your Honor.

21 THE COURT: Ms. Bhalla.

22 CROSS-EXAMINATION

23 BY MS. BHALLA:

24 Q. Good afternoon, Mr. Cordova.

25 A. Good afternoon, Miss.

1 Q. I believe that Mr. Villa just asked you  
2 about the recordings that you made in April of 2017.  
3 Do you recall that question?

4 A. Yes, ma'am.

5 Q. And you stated that you didn't know  
6 whether or not the FBI was involved with that;  
7 right?

8 A. Yes, ma'am.

9 Q. Okay. Isn't it true, Mr. Cordova, that  
10 every single time you've sat down with STIU  
11 involving the investigation in this case someone  
12 from the federal government has been there?

13 A. In this case?

14 Q. Yeah.

15 A. Yes.

16 Q. Okay. You also told Mr. Villa that you  
17 don't recall anybody giving money to your wife,  
18 Crystal; is that correct?

19 A. Right.

20 Q. So no one ever gave money to your wife?

21 A. To my knowledge, I can't remember.

22 Q. Okay. Would it refresh your memory to  
23 listen to a video about that?

24 A. Yes.

25 MS. BHALLA: I'm going to have us play,

1 Your Honor, Defendant's Exhibit Z, as in zebra, 51.

2 MR. CASTELLANO: Your Honor, before we  
3 play that, if she's refreshing recollection, the  
4 rules require that it be outside the presence of the  
5 jury.

6 THE COURT: All right, ladies and  
7 gentlemen. We're going to play this, but it will be  
8 outside your presence. All rise.

9 (The jury leaves the courtroom.)

10 THE COURT: Everyone be seated.

11 All right, Ms. Bhalla.

12 MS. BHALLA: Thank you, Your Honor.

13 (Tape played.)

14 BY MS. BHALLA:

15 Q. Pause it, please. Mr. Cordova, is that  
16 your voice?

17 A. Yes, ma'am.

18 Q. Can you please proceed?

19 (Tape played.)

20 Q. Can you pause it? Thank you. Is that  
21 your wife, Crystal?

22 A. Yes, ma'am.

23 Q. Okay. Thank you.

24 (Tape played.)

25 Q. I think that's enough.

1 Does that refresh your recollection,  
2 Mr. Cordova?

3 THE COURT: Well, I think this probably  
4 ought to be in the presence of the jury now.

5 MS. BHALLA: Thank you, Your Honor.

6 THE COURT: All rise.

7 (The jury entered the courtroom.)

8 THE COURT: All right. Ms. Bhalla.

9 BY MS. BHALLA:

10 Q. Mr. Cordova, you had an opportunity to  
11 listen to a phone call you made to your wife; is  
12 that correct?

13 A. Yes, ma'am.

14 Q. And would you agree with me that that  
15 phone call was made in September of 2016?

16 A. I can't recall, but yes, it was made.

17 Q. Does that refresh your memory about  
18 whether or not anybody gave money to your wife?

19 A. At that time? I had so much stuff going  
20 through my mind, to be honest with you, I can't  
21 really recall it.

22 Q. I'm not asking whether or you recall the  
23 conversation. I'm asking you whether or not you  
24 asked the Government to give money to your wife.

25 A. I guess I did. It's right there.



1 Q. Okay. Do you recall testifying in this  
2 courtroom in December of 2017?

3 A. Yes, ma'am.

4 Q. And that was two months ago?

5 A. Yes, ma'am.

6 Q. And you took an oath, didn't you?

7 A. Yes, ma'am.

8 Q. And you swore to tell the truth, didn't  
9 you?

10 A. Yes, ma'am.

11 Q. Do you recall that we asked you questions  
12 about whether or not anyone had given your wife  
13 money in this case. Do you recall?

14 A. Yes, ma'am.

15 Q. Okay. And your answer was "No."

16 A. Yes, ma'am.

17 Q. Okay. That wasn't true, was it?

18 A. No, ma'am.

19 Q. Mr. Cordova, did anyone from the federal  
20 government ask you to lie in this case?

21 A. No, ma'am.

22 Q. Did you tell anyone that the federal  
23 government had asked you to lie in this case?

24 A. No, ma'am.

25 Q. Could we please play Defendant's Exhibit

1 Z, as in zebra, 54.

2 (Tape played.)

3 Q. Is that you, Mr. Cordova?

4 A. Yes, ma'am.

5 Q. Okay. Is that your wife Crystal?

6 A. Yes, ma'am.

7 Q. The same wife that you beat up in 2010?

8 A. Yes, ma'am.

9 Q. Okay. Please move ahead. We need to play  
10 Z55, please.

11 We'll get to that call in a minute,  
12 Mr. Cordova.

13 A. All right, Miss.

14 (Tape played.)

15 Q. Is that you, Mr. Cordova?

16 A. Yes, ma'am.

17 Q. Is that your wife Crystal?

18 A. Yes, ma'am.

19 Q. Okay. Thanks.

20 (Tape played.)

21 A. Yes, that wasn't the FBI. That was  
22 administration in prison. And maybe I was going  
23 through some things at the time before I was an SNM  
24 Gang member.

25 Q. Before you were an SNM Gang member?

1 A. Yes. And I did a lot of bad things.

2 Q. Okay. Mr. Cordova, you'll get the chance  
3 to explain those phone calls later.

4 A. All right, Miss. But that wasn't the FBI.

5 Q. Did you make the phone call?

6 A. Yes, ma'am.

7 Q. And then did you later call your wife and  
8 say, "I will do anything for the FBI." Did you tell  
9 her that? Anything at all.

10 A. Maybe being the truth, yes. I'm here to  
11 do my part, give them everything I did and  
12 everything they did.

13 Q. It's a yes or no question.

14 A. Yes, ma'am.

15 Q. Did you tell your wife that you would do  
16 anything for the FBI?

17 A. Yes and no.

18 Q. And did you tell your wife that the  
19 administration -- and I understand you have a  
20 different interpretation of that -- but that the  
21 administration wanted you to lie and to snitch. Did  
22 you say that to your wife? Yes or no.

23 A. It's not a different interpretation. It's  
24 the administration in prison.

25 Q. Mr. Cordova, you're aware that the FBI has

1 been working in conjunction with the New Mexico  
2 Department of Corrections in this case, aren't you?  
3 Yes or no.

4 A. They're two different.

5 Q. Yes or no?

6 A. Yes.

7 Q. When you met with Agent Acee, the  
8 conversation was about you giving him information on  
9 the Molina murder; is that correct?

10 A. Yes, ma'am.

11 Q. Okay. And I want to make sure I get your  
12 words correctly here, Mr. Cordova. But basically  
13 your understanding was that if you didn't give him  
14 information on the Molina murder, he had no reason  
15 to work with you. Do you recall saying that?

16 A. Yes, ma'am.

17 Q. Okay. And that was your understanding  
18 when you agreed to work with him; is that correct?

19 A. Yes, ma'am.

20 Q. The first debrief, at least with Agent  
21 Acee, that you attended in this case was on January  
22 4th of 2016. Do you recall that?

23 A. Yes, ma'am.

24 Q. Okay. And I believe you testified on  
25 direct that that meeting was about four hours. Do

1 you recall that?

2 A. Yes, ma'am.

3 Q. And you testified that you knew they were  
4 going to call me out on the RICO charges. Do you  
5 recall saying that?

6 A. Yes, ma'am.

7 Q. And the only option you had was to  
8 cooperate with the federal government. Do you  
9 recall that statement on direct?

10 A. That's not the only option but that was  
11 one of them, yes.

12 Q. Well, they asked you specifically why you  
13 didn't do the RPP Program; didn't Mr. Castellano ask  
14 you that?

15 A. Why I didn't do the RPP Program?

16 Q. Did he ask you that question?

17 A. Yes, ma'am.

18 Q. Okay. And your answer was, there was no  
19 opportunity there when you just drop out; isn't that  
20 correct?

21 A. Yes, ma'am.

22 Q. Okay. And at this four-hour meeting that  
23 you had in January of 2016, never once, not ever did  
24 you ever tell anyone in the federal government that  
25 Carlos Herrera had a conversation with you before

1 the Molina murder about his role in the Molina  
2 murder, did he? You never said that to them, did  
3 you?

4 A. I can't recall.

5 Q. Would you like to look at the report?

6 A. Yeah.

7 MS. BHALLA: May I approach, Your Honor?

8 THE COURT: You may.

9 Q. Are you ready?

10 A. Yes, ma'am.

11 MS. BHALLA: May I approach, Your Honor?

12 THE COURT: You may.

13 BY MS. BHALLA:

14 Q. Would you agree with me, Mr. Cordova, that  
15 this report is about three pages and one quarter?

16 A. Yes, ma'am.

17 Q. Okay. And you talked about a lot of stuff  
18 in this report, didn't you?

19 A. Yes, ma'am.

20 Q. Okay. And nowhere in this report did you  
21 say that you knew about the Molina murder ahead of  
22 time, did you?

23 A. In that report? That's what it states and  
24 that's what's there.

25 Q. Yes or no.

1 A. Yes and no, because I can't explain.

2 Q. You can't explain? Is there any  
3 discussion about the Molina homicide in this report,  
4 Mr. Cordova?

5 A. In that report, no.

6 Q. No. Do you think the federal government  
7 does a pretty good job taking notes usually? Isn't  
8 that kind of their job?

9 A. I'm not an FBI agent, I don't know.

10 Q. In August of 2015, you were housed with  
11 some other cooperators in this case, weren't you?

12 A. Yes, ma'am.

13 Q. And some of those cooperators were Eric  
14 Duran?

15 A. Yes, ma'am.

16 Q. Roy Martinez?

17 A. Yes, ma'am.

18 Q. Mario Rodriguez?

19 A. No, ma'am.

20 Q. All right. Do you recall attending a  
21 debrief in July of 2016 -- or actually, hold on, I  
22 might have given you the wrong one. It was in  
23 December of 2017, so just two months ago. Do you  
24 recall that debrief?

25 A. Two months ago?

1 Q. Yeah. It's February of 2018. And you  
2 attended a debrief in December of 2017. Do you  
3 recall attending a debrief in December of 2017?  
4 Days, days after you provided testimony in this  
5 case.

6 A. I just know when I talk about the case,  
7 stuff like that, yeah, it's a debrief.

8 Q. Would you like to look at it?

9 A. Yes, ma'am.

10 MS. BHALLA: May I approach, Your Honor?

11 THE COURT: You may.

12 BY MS. BHALLA:

13 Q. If you can take a look at the front page.  
14 Take your time.

15 Mr. Cordova, may I please draw attention  
16 to the last page in the last paragraph.

17 A. Can I finish reading it, ma'am?

18 Q. Do you want to read the whole thing?

19 A. Yes, ma'am.

20 Q. That's fine.

21 Are you ready?

22 A. Yes, ma'am.

23 Q. Do you now recall that debrief?

24 A. Yes, it was a telephonic --

25 Q. It's yes or no.



1 A. Yes.

2 Q. And during that conversation, you took the  
3 opportunity to explain to Agent Acee a number of  
4 cooperators that you were housed with in 2015. Do  
5 you recall that now?

6 A. Explain? A number of cooperators?

7 Q. You told him about a number of cooperators  
8 that you were housed with in 2015? Yes or no.

9 A. I can't recall.

10 Q. Would you like to look at the report  
11 again?

12 A. Yes, ma'am.

13 MS. BHALLA: May I approach, Your Honor?

14 THE COURT: You may.

15 A. Oh, yes. This was back in 2015. When I  
16 was housed with them, 3-B North X pod.

17 BY MS. BHALLA:

18 Q. And you relayed to Agent Acee that you  
19 were housed with Mario Rodriguez, correct?

20 A. Yes, ma'am, but he wasn't a cooperator at  
21 the time.

22 Q. Were you housed with Mario Rodriguez?  
23 That's the question. Yes or no.

24 A. In 2015, 3-B X pod, yes.

25 Q. Okay, thank you. And you were housed with

1 Eric Duran?

2 A. Yes, ma'am.

3 Q. And you were housed with Timothy Martinez?

4 A. Yes, ma'am.

5 Q. And you were housed with Jerry Montoya?

6 A. Yes, ma'am.

7 Q. And you were housed with Roy Martinez?

8 A. Yes, ma'am.

9 Q. Correct?

10 A. Yes, ma'am.

11 Q. And you testified previously that word  
12 travels fast in the SNM; right?

13 A. Yes, ma'am.

14 Q. And I'm not going to ask you what you said  
15 or what people told you, okay? But what you relayed  
16 to Agent Acee was that you had conversations about  
17 the Molina homicide with the people in your pod in  
18 2015; isn't that true?

19 A. Yes, ma'am.

20 Q. Okay. And everybody was talking about the  
21 Molina homicide, weren't they?

22 A. Yes, ma'am.

23 Q. Let's fast forward to when you recorded my  
24 client, Carlos Herrera. Do you recall that time  
25 period?

1 A. Yes, ma'am.

2 Q. And this is -- was in it March of 2016 or  
3 April of 2016? March or April, give or take?

4 A. March or April.

5 Q. Okay. So this was two years after the  
6 murder; is that correct?

7 A. Yes, ma'am.

8 Q. Okay. And part of the conversations that  
9 we listened to yesterday involved you telling Carlos  
10 Herrera that people were talking, in your words,  
11 shit about him. Do you recall that?

12 A. Yes, ma'am.

13 Q. Okay. What happens to a brother who  
14 leaves a brother stranded on a mission, according to  
15 you?

16 A. You get hit.

17 Q. That's right. And you had the opportunity  
18 to talk with all of those guys about the Molina  
19 homicide before you got put next to Carlos, didn't  
20 you?

21 A. Yes, ma'am.

22 Q. Okay. After you recorded Mr. Herrera, you  
23 attended another debrief on July 12 of 2016. Do you  
24 recall that meeting that you had with the FBI? I  
25 can show you the report if you don't remember.

1 A. No, I remember.

2 Q. Okay. You do?

3 A. Yes, ma'am.

4 Q. And you discussed a number of things in  
5 that report, didn't you?

6 A. Yes, ma'am.

7 Q. And one of the things you discussed was  
8 that you began trying to explain to agents your drug  
9 trafficking history. Do you recall that?

10 A. Yes, ma'am.

11 Q. But they had to stop you and ask you to  
12 write a letter because it was too long to relay in  
13 one meeting?

14 A. Yes.

15 Q. Did you ever write that letter?

16 A. I'm pretty sure I did.

17 Q. Did you give it to the Government?

18 A. Probably.

19 Q. Yes or no, do you remember?

20 A. I can't recall, Miss.

21 Q. Do you remember writing it?

22 A. To be honest with you, no.

23 Q. Okay. And in this debrief that occurred  
24 roughly three months after you recorded my client,  
25 never once did you mention the Molina homicide, did

1 you? Do you want to take a look at it?

2 A. I just know I told them I knew about  
3 murders.

4 Q. In July of 2016, after you recorded my  
5 client, you made no statements to them about his  
6 involvement in the Molina murder, did you? Yes or  
7 no.

8 A. I can't recall.

9 Q. Would you like to look at the report?

10 A. Yes.

11 MS. BHALLA: May I approach?

12 THE COURT: You may.

13 A. It's not there, but I told --

14 Q. Hold on, I haven't asked you a question,  
15 Mr. Cordova.

16 MS. BHALLA: May I approach?

17 THE COURT: You may.

18 A. Yes, ma'am.

19 BY MS. BHALLA:

20 Q. Would you agree with me that this report  
21 is also three pages and a quarter?

22 A. I didn't write that report, so what's in  
23 that report is what's in that report.

24 Q. Would you agree with me that there is no  
25 discussion of the Molina homicide in this report?

1 Yes or no.

2 A. In that report, no.

3 Q. Okay. There is a discussion about the  
4 Sammy Chavez murder, isn't there?

5 A. Yes, ma'am.

6 Q. And there is a discussion about an unknown  
7 Los Carnales Gang member; right?

8 A. Yes, ma'am.

9 Q. And there is a discussion about the Shane  
10 Dix murder, isn't there?

11 A. Yes, ma'am.

12 Q. And there is a discussion about the  
13 Michael Jiron murder, isn't there?

14 A. Yes, ma'am.

15 Q. No Molina?

16 A. In that report, no, ma'am.

17 Q. The way that you get a deal in this case  
18 is to give Agent Acee information on the Molina  
19 murder; right? That's what you testified to just a  
20 few minutes ago.

21 A. To be honest with them and tell them  
22 everything.

23 Q. Okay. And it wasn't until December of  
24 2017 that you ever said anything about Carlos  
25 Herrera being involved in the Molina murder ahead of

1 time, did you? At least not in any of these  
2 reports.

3 A. I recorded him before that; right?

4 Q. Yeah.

5 A. And obviously we talked about it.

6 Q. But you never told the federal government  
7 that you had this conversation with Carlos Herrera  
8 before the Javier Molina homicide. That is the  
9 first time anyone has ever heard about it; right?

10 A. No, because I knew about it.

11 Q. You didn't tell it to the federal  
12 government, did you?

13 A. Yes.

14 Q. It's not in the reports, is it?

15 A. I don't know what to tell you, I don't  
16 write reports.

17 Q. Okay.

18 MS. BHALLA: May I have just a moment,  
19 Your Honor?

20 THE COURT: You may.

21 BY MS. BHALLA:

22 Q. Mr. Cordova, you testified with  
23 Mr. Castellano and Mr. Villa that you were able to  
24 use the system and manipulate the rules to get  
25 lighter sentences, didn't you?

1 A. Yes, ma'am.

2 Q. And that's what you're doing in this case,  
3 isn't it?

4 A. Have I ever ratted before this case?

5 Q. No. Are you manipulating the rules to get  
6 what you want and to get out of trouble? Yes or no.

7 A. No, ma'am.

8 MS. BHALLA: Thank you, Your Honor. I  
9 pass the witness.

10 THE COURT: Thank you, Ms. Bhalla.

11 Ms. Jacks, do you want to go next?

12 MS. JACKS: Thank you, Your Honor.

13 THE COURT: Ms. Jacks.

14 CROSS-EXAMINATION

15 BY MS. JACKS:

16 Q. Mr. Cordova, I want to pick up sort of  
17 where Ms. Bhalla just left off. Because you've told  
18 us before under oath that when you see a weakness in  
19 the system, you exploit it; right?

20 A. Yes, ma'am, I did.

21 Q. And with respect to this case -- well,  
22 with respect to your role here as a government  
23 witness, you've managed to exploit that pretty well,  
24 haven't you?

25 A. I don't know. I don't know how you see



1 exploiting what I'm doing.

2 Q. Well, you've, A, avoided any sort of  
3 criminal charges for your activities in relation to  
4 the SNM Gang; right?

5 A. I'm also validating a death sentence by  
6 the SNM and other prison gangs out there.

7 Q. Excuse me, Mr. Cordova. I'm going to ask  
8 you to answer the question I ask, not the one you  
9 want to answer.

10 A. Yes, ma'am.

11 Q. So you've avoided getting any sort of  
12 criminal charges levied against you by becoming a  
13 government witness in this case; right?

14 A. Yes, ma'am.

15 Q. And you've gotten -- I think we've  
16 discussed, you've gotten more favorable conditions  
17 of confinement? Oh, you don't -- you haven't gotten  
18 more favorable conditions of confinement?

19 A. I'm not an SNM Gang member no more. I'm  
20 like every other inmate right now.

21 Q. My question, Mr. Cordova, is whether, as a  
22 result of your role as a government witness, you've  
23 been given more favorable confinement conditions?

24 A. No.

25 Q. All right.

1 MS. JACKS: Can we have that letter, the  
2 pizza party letter, EJ. Is that somewhere around?

3 Q. Mr. Cordova, I think Mr. Villa discussed  
4 this letter with you, Defense Exhibit EJ. Do you  
5 recall that?

6 A. Yes, ma'am.

7 Q. A little bit earlier today?

8 A. Yes, ma'am.

9 Q. And can we go to the second page? You're  
10 a signatory to this letter; right?

11 A. That's not my signature, but I'm on that  
12 letter.

13 Q. Okay. Your name and your New Mexico  
14 Department of Corrections number is on that letter;  
15 right?

16 A. Yes.

17 Q. And your name and your Department of  
18 Corrections number was put on that letter because  
19 you were one of the people asking for the  
20 recognition that that letter was seeking; right?

21 A. Yes, ma'am.

22 Q. And who wrote the letter?

23 A. To be honest with you, I can't recall.

24 Q. Well, was it one of the people that signed  
25 the letter?

1 A. There is no signatures on it.

2 Q. Well, was it one of the people listed as  
3 the person who the letter is from?

4 A. Who is the letter from?

5 Q. Well, the letter -- have you written  
6 letters before, Mr. Cordova?

7 A. Not many, Miss.

8 Q. Well, when you write a letter and then you  
9 sign off "Sincerely," comma, then do you generally  
10 put the name of the person who the letter is from?

11 A. I understand that, Miss, but there is not  
12 a signature there. That's a print.

13 Q. I understand that. But would you agree  
14 with me that after "Sincerely," there is a listing  
15 of five government witnesses?

16 A. Yes, ma'am.

17 Q. And the letter, have you read the letter?

18 A. Yes, ma'am.

19 Q. And the letter is asking the warden of the  
20 Penitentiary of New Mexico to provide a holiday  
21 party for these five government witnesses and their  
22 family; right?

23 A. Yes, ma'am.

24 Q. And the letter was written --

25 MS. JACKS: Can we go back to the first

1 page of the letter?

2 Q. The letter was requesting this holiday  
3 party because of how -- to celebrate sort of the  
4 government witnesses' cooperation and recognition of  
5 law enforcement that they've been working with;  
6 right?

7 A. Yes.

8 Q. Okay. I want to direct your attention  
9 to --

10 MS. JACKS: Can we have I think it's the  
11 third paragraph. Can I ask you to read the first  
12 sentence there in that third paragraph. You can  
13 read it out loud. Mr. Cordova, can I ask you to  
14 read that sentence out loud, beginning with "It is  
15 our desire"?

16 A. Do I gotta read it out loud?

17 Q. I'm asking you to.

18 A. I guess it states, "It's our desire to  
19 express genuine gratitude and respect for all the  
20 Corrections administration and staff and law  
21 enforcement personnel responsible for our current  
22 and wonderful circumstances. We believe" --

23 Q. Let me stop you. Just read the sentence I  
24 asked you to. So that sentence in the letter, that  
25 was sent, at least in part, on your behalf, says

1 that "We would like to express gratitude for our  
2 current and wonderful circumstances."

3 A. Yes, ma'am.

4 Q. So by agreeing to have your name appended  
5 onto this letter requesting this holiday celebration  
6 for your family, did you also agree that your  
7 current circumstances of incarceration were  
8 wonderful?

9 A. Yes, ma'am.

10 Q. And prior to becoming a Government  
11 witness, would you have described your circumstances  
12 of incarceration in the New Mexico State prison as  
13 wonderful?

14 A. No, ma'am.

15 Q. So tell us what sort of benefits you  
16 received, in terms of your conditions of  
17 confinement, as a result of being a Government  
18 witness.

19 A. It wasn't for being a Government witness.  
20 It was for no longer being an SNM Gang member. I  
21 was allowed out of the solitary confinement. And  
22 into an RPP dropout program, which I'm currently not  
23 out.

24 Q. And you got more phone calls with your  
25 family?

1 A. Like a regular inmate, yes.

2 Q. You got money put on your commissary by  
3 the federal government?

4 A. Yes, that was a benefit. Yes.

5 Q. You got family contact visits?

6 A. That, I can't say if it was a benefit or  
7 not because --

8 Q. Well, Mr. Cordova, we just saw you  
9 engaging in sex --

10 A. I understand that.

11 Q. -- with your wife four times over a period  
12 of two months. Was that a benefit that you received  
13 because of your status as a Government witness?

14 A. I don't know.

15 Q. Well, how many other people do you know in  
16 the New Mexico Department of Corrections that are  
17 engaging in sex with their wives repeatedly?

18 MR. CASTELLANO: Objection.

19 THE COURT: Overruled.

20 A. Whenever the opportunity arises. People  
21 sneak into bathrooms and it happens. It occurs.

22 BY MS. JACKS:

23 Q. It was a situation, it was a benefit you  
24 got, a contact visit that you exploited for your own  
25 pleasures?

1 A. Yes, ma'am. I exploited it.

2 Q. Now, in addition to the benefits you had  
3 already gotten, you expect to still get more  
4 benefits; right?

5 A. Do I expect to get more benefits?

6 Q. Yeah. Benefits don't just stop.

7 A. I'm not getting no benefits.

8 Q. Well, are you expecting some sort of  
9 benefits once you get out of prison?

10 A. No, ma'am.

11 Q. Well, let me direct you to a phone call on  
12 November 16, 2016 with your wife Crystal.

13 A. Yes, ma'am.

14 Q. You talked to her quite a bit; right?

15 A. Yes.

16 Q. And one of the things that you've talked  
17 to her about is what's going to happen to you when  
18 you finally get out of prison; right?

19 A. Yes, ma'am.

20 Q. And have you told her in these phone  
21 calls, and I'm going to specifically talk about this  
22 one on December 16 of 2016, that the Government is  
23 going to give money, ferias, when you get out of  
24 prison?

25 A. That's part of a witness protection

1 program if I wanted to go into it.

2 Q. So the answer is yes, you did tell her  
3 that.

4 A. Yes.

5 Q. Did you tell her that the Government was  
6 going to line you up with a job when you get out of  
7 prison?

8 A. Yes, ma'am.

9 Q. Did you also tell her that they were going  
10 to get you a pad?

11 A. I guess. If that's what's there, that's  
12 what's there.

13 Q. What's a pad?

14 A. A house.

15 Q. So they're going to give you money,  
16 they're going to line you up with a job and they're  
17 going to get you a house?

18 A. Yes, ma'am.

19 Q. And isn't there something else you talked  
20 to her about that you were going to get when you got  
21 out of prison?

22 A. What is it?

23 Q. Well, what goes with a job, money and a  
24 house?

25 A. I don't know.



1 Q. A car.

2 A. Right.

3 Q. Did you tell her they're going to get you  
4 a car too?

5 A. Probably.

6 Q. And they're just going to move you  
7 wherever you want to go and set you up with this  
8 car, this job, this money and this house; right?

9 A. Yes, ma'am.

10 Q. I want to talk to you about your meetings  
11 with Agent Acee. Because when you first met with  
12 Agent Acee, he came and told you that you were going  
13 to be charged in a racketeering prosecution; right?

14 A. He didn't say was going to be charged.  
15 They were looking at me.

16 Q. That you basically had a choice. You were  
17 at a fork in the road, and either you could be a  
18 defendant in a federal prosecution facing potential  
19 life sentence or the death penalty, or you could be  
20 a witness?

21 A. Yes, ma'am.

22 Q. And when you met with Agent Acee after  
23 that, did he tell you how it was that he wanted you  
24 to be a witness? Did he tell you what he wanted you  
25 to do?

1           A.    Explain yourself, like elaborate.  What do  
2 you mean?

3           Q.    Let me be a little bit more specific.  
4 When Agent Acee -- you showed some interest about  
5 being a witness rather than a defendant.  Did Agent  
6 Acee talk to you about this idea he had about  
7 sending you into prison to make recordings of  
8 people?

9           A.    I told him what I can possibly do and he  
10 asked me if I could record it for him.  And I said  
11 yes.

12          Q.    And did Agent Acee explain to you at that  
13 time why it was that he thought it was important  
14 that you record whatever conversations you were  
15 having?

16          A.    So that way it's just not hearsay, it's  
17 actual proof and evidence for the federal  
18 government.

19          Q.    You've been asked this question before;  
20 right?

21          A.    What?

22          Q.    This exact question about what Agent Acee  
23 told you, about why he wanted you to record  
24 conversations.  You were asked this in December in  
25 hearings in the case in front of Judge Browning,

1 weren't you?

2 A. Yes, ma'am.

3 Q. Do you recall what your answer was at that  
4 time?

5 A. What was it?

6 Q. Well, it wasn't what you just said, was  
7 it?

8 A. No. Before you asked me if they coached  
9 me into being an informant. They didn't coach me.  
10 He asked me --

11 Q. Mr. Cordova, on December 12 of 2017, did  
12 you say the reason Agent Acee wanted you to wear a  
13 recording device --

14 MS. BHALLA: And I'm referring Court and  
15 counsel to that transcript at page 288, line 6.

16 Q. "Because my say-so, my word, wouldn't  
17 matter. So he needed me to get it on a recording."

18 A. You're a lawyer, would it matter?

19 Q. My question to you, Mr. Cordova, is, was  
20 that your testimony in December of 2017?

21 A. Yes, ma'am.

22 Q. So let's talk about the testimony that  
23 you've given today. Because today you've said --  
24 you claimed for the first time that you actually saw  
25 the paperwork that Lupe Urquizo supposedly brought

1 down from the Penitentiary of New Mexico; right?

2 A. No.

3 Q. You've never said that before today, have  
4 you?

5 A. Yes, I have.

6 Q. When?

7 A. When we first started doing this, I knew  
8 about the murder.

9 Q. Wait a second. It's your testimony, your  
10 sworn testimony under oath, that you've previously  
11 said you've seen the paperwork?

12 A. Yes, I stated that even in December.

13 Q. Let me just go through this. Okay? On  
14 March 10th of 2014, right after the murder of -- the  
15 homicide of Javier Molina, were you interviewed by  
16 members of law enforcement?

17 A. When?

18 Q. March 10th of 2014.

19 A. Yes.

20 Q. Okay. And did you tell them you didn't  
21 know anything, you weren't even in the pod?

22 A. Was I an SNM Gang member?

23 Q. You answer my question. Don't ask  
24 questions.

25 A. I'm asking, was I active?

1 MS. BHALLA: Excuse me. Your Honor, can  
2 the witness be instructed to answer the question  
3 rather than ask questions?

4 THE COURT: Yeah. Just answer her  
5 question. And if you don't understand, you can say  
6 "I don't understand." But probably --

7 THE WITNESS: I don't understand.

8 THE COURT: All right. You can say that.  
9 BY MS. JACKS:

10 Q. Well, you can't fake not understanding a  
11 question. You understand that, Mr. Cordova.

12 A. It was in 2014?

13 Q. Answer that question. You understand that  
14 you can't sit up there and say you don't understand  
15 when you do; right?

16 A. Right. In 2014?

17 Q. Excuse me. Answer that question.

18 A. Oh, I understand what you're saying.

19 Q. All right. Then I'm going to ask the next  
20 question.

21 On March 10th of 2014, did you tell  
22 members of law enforcement that you didn't know  
23 anything about the homicide of Javier Molina because  
24 you weren't even in the pod?

25 A. Yes, ma'am.

1 Q. Thank you. And on December 22nd of 2014,  
2 did you have contact with members of the STIU unit  
3 at the Penitentiary of New Mexico?

4 A. December 22nd?

5 Q. 2014.

6 A. No, ma'am.

7 Q. On January 4th of 2016, did you give an  
8 interview to the FBI?

9 A. 2000 when?

10 Q. 2016. This is your first contact with  
11 Agent Acee.

12 A. Yes, ma'am.

13 Q. And during that interview, which I think  
14 you've told us was four hours long, did you say  
15 anything about seeing paperwork that somebody  
16 supposedly brought down from the Penitentiary of New  
17 Mexico regarding Javier Molina?

18 A. No, ma'am.

19 Q. On February 9th of 2016, you were  
20 interviewed by the FBI; right?

21 A. Yes.

22 Q. And during that meeting, did you say  
23 anything to the FBI about actually seeing paperwork  
24 that was supposedly brought down regarding Javier  
25 Molina?

1 A. I can't recall.

2 Q. What about February 16th, 2016, did you  
3 also have an interview with the FBI on that day?

4 A. Yes, ma'am.

5 Q. And during that interview, did you say  
6 anything about seeing paperwork regarding Javier  
7 Molina?

8 A. No, ma'am. I can't recall.

9 Q. Well, is it no, or is it you can't recall?

10 A. I can't recall.

11 Q. On July 12th of 2016, you had yet another  
12 interview with the FBI regarding this case; right?

13 A. Yes, ma'am.

14 Q. And the during that interview, did you say  
15 anything to the FBI about you seeing paperwork  
16 regarding Javier Molina?

17 A. On when?

18 Q. July 12th of 2016.

19 A. Yes, by that time, yes, for sure.

20 Q. You're for sure you talked about it then?

21 A. Yes, had to be.

22 Q. Just so that we can be accurate,  
23 Mr. Cordova, would you like to review a report of  
24 that interview with the FBI? Just to make sure.  
25 And perhaps --

1 A. Yes.

2 Q. -- point out to me where it was that you  
3 talked about seeing the paperwork.

4 A. Before -- I don't write the reports, so I  
5 don't know what's in the report or not.

6 Q. So you don't want to see it?

7 A. If it's not in there, then there's no  
8 point for me to even see it; right?

9 Q. My question is: Do you want to see the  
10 report or not?

11 A. No, ma'am.

12 Q. It's up to you.

13 A. I'm good.

14 Q. So let's move forward. On December 12th  
15 of 2017, we've already talked about this, you  
16 actually testified in a pretrial hearing in this  
17 case; right?

18 A. Yes, ma'am.

19 Q. And at any point during that hearing did  
20 you testify that you actually saw paperwork that had  
21 been brought down to Southern regarding Javier  
22 Molina?

23 MR. CASTELLANO: Objection, Your Honor.  
24 That wasn't the subject of that hearing and she  
25 knows that.



1 THE COURT: Overruled. You can --

2 A. Yes, ma'am.

3 THE COURT: -- go out there on redirect.

4 BY MS. JACKS:

5 Q. You're saying you testified to that during  
6 that hearing?

7 A. Yes, ma'am.

8 Q. On December 15th of 2017, so that was just  
9 a few months ago, I think this was the telephonic  
10 interview that you had with Agent Acee. Do you  
11 recall that conversation?

12 A. Yes, ma'am.

13 Q. Did you tell Agent Acee on December 15,  
14 2017 that you actually saw paperwork that was  
15 brought down to Southern regarding Javier Molina?

16 A. I don't think we talked about it then.

17 Q. So that's a no?

18 A. No, ma'am.

19 Q. And what about January 24th, 2018, did you  
20 say anything -- you had another meeting with  
21 prosecutors and the FBI on that day; right?

22 A. Yes, ma'am.

23 Q. And you didn't say anything in that  
24 meeting about seeing paperwork at Southern regarding  
25 Javier Molina, did you?

1 A. I don't believe so, Miss.

2 Q. So today is the first time that you're  
3 saying that?

4 A. No, ma'am.

5 Q. And let's get your story -- let's get your  
6 story today straight, because I want to try to  
7 understand it. I think you said that you saw some  
8 paperwork that Mr. Herrera showed you?

9 A. Yes, ma'am.

10 Q. And can you tell me what day is it that  
11 you claim this actually happened?

12 A. It could have been either March 6th or  
13 March 7th. It was the same day the murder happened.

14 Q. Well, okay. You told me two days and then  
15 you told me one day. So let's --

16 A. I can't -- that's what I'm saying. I  
17 can't --

18 Q. Let me stop.

19 A. -- know for sure date.

20 Q. Let's see if we can't figure this out.

21 A. Yes, ma'am.

22 Q. Okay. According to the story that you're  
23 telling us today, did you see that paperwork the day  
24 that Mr. Molina was killed?

25 A. Yes.

1 Q. Or the day before?

2 A. No, I seen it the day he was killed.

3 Q. Okay. And according to your story, when  
4 did you see it, what time of day?

5 A. Yes, I -- around, I would say, around 1:00  
6 in the afternoon.

7 Q. Okay. So you're timing it after lunch?

8 A. Yes, ma'am.

9 Q. After -- so once you were released from  
10 your lunch lockdown?

11 A. Yes, ma'am.

12 Q. Prior -- so around 1:00, is there  
13 something that was happening in the pod that you're  
14 tying that time period to?

15 A. Yes, ma'am. I was sitting down in front  
16 of Archie, Archie's cell, and that's when Herrera  
17 was showing me the paperwork.

18 Q. So -- and 1:00 p.m. is your best estimate?

19 A. Yes, between 1:00 and 2:00.

20 Q. Okay. On March 7, 2014, between 1:00 and  
21 2:00 p.m.?

22 A. Yes, ma'am.

23 Q. In yellow pod, is your story?

24 A. Yes, ma'am.

25 Q. And I think when Mr. Castellano asked you

1 the questions, you said it was more than one page,  
2 it was several pages?

3 A. It was a few pages. It was like in  
4 between some legal paperwork of Lupe Urquizo's  
5 paperwork, it was in the middle. It was in a Manila  
6 envelope. And all I remember, the Manila envelope  
7 was kind of ripped on the top, like to open it, when  
8 you open mail. That's all I remember.

9 Q. And what was in this Manila envelope,  
10 these few pages that you're talking about?

11 A. Yes, ma'am. It was just something about a  
12 robbery, about --

13 Q. I'm not -- I'm asking you not what the  
14 paperwork said right now. I'm asking you physically  
15 how it appeared.

16 A. Right, Miss.

17 Q. So just so that we get your version of  
18 things straight, you're saying that whatever it was,  
19 was a few pages?

20 A. Yes, ma'am.

21 Q. And it was white paper?

22 A. Yes, ma'am.

23 Q. Did it have typing on it?

24 A. Yes, ma'am.

25 Q. And was the typing black and white or was

1 it in color?

2 A. No, ma'am, it was in black letters.

3 Q. Black letters?

4 A. Yes, ma'am.

5 Q. And the pages were taken out of a Manila  
6 envelope with a rip on the top?

7 A. Yes, ma'am.

8 Q. And do you have an estimate of the number  
9 of pages that you're claiming you saw?

10 A. It was in the middle of legal work, right  
11 in the middle. And there was maybe about three or  
12 four pages that was paperwork, actual paperwork on  
13 Javier Molina. And what I remember from it is  
14 the -- his name was in bold letters, some of it was  
15 in bold letters. And that was it. That's all I can  
16 remember.

17 Q. So some of the writing, you say, was in  
18 bold?

19 A. Yes, ma'am.

20 Q. Was there any other colors on the paper  
21 that you're telling us about?

22 A. Not that I can remember, not that I can  
23 recall. The only thing I know is his name was  
24 underlined.

25 Q. Well, wait. You said bold.

1           A.     Bold letters. And his name was  
2 underlined. It stood out.

3           Q.     Stop, okay? Because you said two  
4 different things so I want to make sure that we get  
5 this straight. You initially said it was bold;  
6 correct?

7           A.     Yes, because it stood out.

8           Q.     Let me stop you. And bold, so that we  
9 know we're speaking the same language, means that  
10 it's darker than the other printing on the paper.  
11 Is that what your understanding of bold is, Mr.  
12 Cordova?

13          A.     No, his name was underlined is what I  
14 remember. That's what I can recall from the  
15 paperwork, his name was underlined. It was like  
16 bolded --

17          Q.     Can you go back and answer the question  
18 that I asked?

19          A.     Yes, ma'am.

20          Q.     The question that I asked is, is your  
21 understanding of the term "bold" meaning that the  
22 printing is darker than the other print on the page.

23          A.     No, what I mean is it stood out. His name  
24 was underlined.

25          Q.     So what you're saying is that it wasn't

1 bold print, it was regular print but underlined?

2 A. No, it was -- it was -- I think it was a  
3 little bit darker, it was kind of bold. Because it  
4 stood out. All I know is the name, when I -- you  
5 can look through the paperwork right away. What  
6 stood out first right away was his name. I remember  
7 that. And I read through the paperwork and I was  
8 just, like, whatever.

9 Q. Mr. Cordova, I'm not asking you what your  
10 reaction was. I'm asking you what you're saying you  
11 saw.

12 A. That's what I saw.

13 Q. Do you understand the difference in that?

14 A. What I remember is his name stood out.  
15 And his name was underlined in the paperwork. And  
16 that's all I remember.

17 Q. You've said two different things, so I  
18 want to pick one.

19 A. Yes, ma'am.

20 Q. If you don't know, say you don't know.

21 A. No.

22 Q. But you've said two different things and I  
23 want to just register that, I want to make sure we  
24 have a chance to at least have a meeting of the  
25 minds as to what you're saying.

1 A. Okay.

2 Q. Okay. So you've said it was bold.

3 A. Yes, ma'am.

4 Q. You said it stood out, and you said it was  
5 underlined.

6 A. Yes, ma'am.

7 Q. Okay. I just want to -- if -- according  
8 to you, I think we understand bold means darker  
9 than?

10 A. Yes, ma'am.

11 Q. So are you sticking with your story that  
12 it was bold?

13 A. What I'm trying to say is --

14 Q. Excuse me. Can you answer the question?

15 MR. CASTELLANO: Your Honor, he's trying  
16 to answer the question.

17 THE COURT: Well, I'll let Ms. Jacks  
18 control the witness. Overruled.

19 A. All right, Miss.

20 BY MS. JACKS:

21 Q. Can you answer the question?

22 A. All I remember --

23 Q. Are you sticking with your story that it  
24 was bold?

25 A. It stood out. That's all I know.



1 Q. Okay. So you don't know if it was bold or  
2 if it was underlined; but for some reason you have  
3 an image of the name standing out?

4 A. Yes, because it was underlined.

5 Q. Okay. Mr. Urquizo -- I'm sorry, excuse  
6 me. Mr. Cordova, I'm not asking where you're  
7 housed, okay? But you were transported from  
8 somewhere down here to testify; right?

9 A. Yes, ma'am.

10 Q. And when did that transport occur? Are  
11 you looking at somebody in the back for answers?

12 A. What was it, like December? No, January,  
13 the beginning of January.

14 Q. And during the time that you've been  
15 awaiting to testify, have you been housed with other  
16 government cooperating witnesses?

17 A. Yes, ma'am.

18 Q. And can you list for us the ones that you  
19 remember being housed with?

20 A. BB.

21 Q. That would be -- do you know his real  
22 name?

23 A. Yeah, there is BB, Red, Blue, Crazo. Most  
24 of them guys I know by their nicknames. Most of us  
25 go by our nicknames so that's why --

1 Q. Why don't want give me the nicknames and  
2 then we'll go through and pair them up with the real  
3 names.

4 You said BB, Red, Blue and Crazo.

5 A. Yes, ma'am.

6 Q. So who else? Anybody?

7 A. Playboy. And that's it. That's all I can  
8 recall.

9 Q. So let's test my memory. BB, is that  
10 Javier Rubio?

11 A. Yes, it is, Miss.

12 Q. Red, is that Timothy Martinez?

13 A. Yes, ma'am. Yes, ma'am.

14 Q. Blue, is that Mario Rodriguez?

15 A. Yes, ma'am. Yes, ma'am.

16 Q. Crazo, is that Eric Duran?

17 A. Duran, yes, ma'am.

18 Q. And Playboy, is that Frederico Munoz?

19 A. I know it's Freddie. I don't know if his  
20 last name is Munoz. I know it's Frederico, though.

21 Q. And do you know whether each one of those  
22 people has previously testified in this trial?

23 A. To my knowledge, no, ma'am.

24 Q. Let's move on to another topic. And I  
25 want to talk to you -- well, first of all, I want to

1 ask you a question. I want to go back to the day  
2 that Javier Molina was killed.

3 A. Yes, ma'am.

4 Q. And you were housed in yellow pod; right?

5 A. Yes, ma'am.

6 Q. And Mr. Molina was housed in blue pod?

7 A. Yes, ma'am.

8 Q. Now, when the incident happened, when  
9 Mr. Molina was assaulted, did you see him run out of  
10 blue pod?

11 A. No, I seen the door open to his pod. And  
12 right at the door is where I seen him like, kind of  
13 like, you know what I mean? So when you look  
14 through the door, he's kind of like -- I thought he  
15 had came out, but what I came to see is he fell  
16 right there, right at the door, right where the door  
17 opens to the pod. Right there at the corner of the  
18 wall and the doorway, that's where I seen him.

19 Q. We've talked --

20 A. Kind of like coming out of the pod but not  
21 coming out of the pod. You get what I'm saying?

22 Q. We talked a little bit about your December  
23 15th, 2017 interview with the FBI; right?

24 A. Yes, ma'am.

25 Q. And during that interview were you asked

1 about your observations the day that Mr. Molina was  
2 killed?

3 A. Yes, ma'am.

4 Q. And did you tell the FBI -- let's see, and  
5 this would have been Agent Acee.

6 A. Yes, ma'am.

7 Q. This was a meeting that -- actually, this  
8 was the telephonic meeting; right?

9 A. Yes, ma'am.

10 Q. Where Agent Acee was with your lawyer and  
11 then they called you?

12 A. Yes, ma'am.

13 Q. Did you tell Agent Acee on December 15th  
14 of 2017 that you observed Molina exit the blue pod  
15 with a nurse and corrections staff?

16 A. I said there was a nurse there, there was  
17 a nurse and staff.

18 Q. Let me --

19 A. The nurse had just left.

20 Q. Excuse me, Mr. Cordova. I'm going to ask  
21 you a question, you answer it. And then I'm going  
22 to ask you another question, and you're going to  
23 answer that. And then if there is some sort of  
24 explanation, Mr. Castellano can bring that out on  
25 redirect, okay?

1           So the question is: On December 15th of  
2   2017, did you tell the FBI, specifically Agent Acee,  
3   that you observed Molina exit the blue pod with a  
4   nurse and corrections staff?

5           A. Not -- not exit with them. I know they  
6   were around.

7           Q. So the answer, then, to the question would  
8   be no; right? If you didn't say it, the answer to  
9   the question is no.

10          A. That's probably what I told them, that's  
11   probably what I said.

12          Q. Okay. I'm going to ask the question again  
13   and I'm going to get an answer to it. And the  
14   answer is going to be yes or it's going to be no.

15          A. Yes, ma'am.

16                 MR. CASTELLANO: Objection. Asked and  
17   answered.

18                 MS. JACKS: It hasn't been answered.

19                 MR. CASTELLANO: She didn't like the  
20   answer.

21                 MS. JACKS: That's not correct.

22                 THE COURT: Overruled.

23   BY MS. JACKS:

24                 Q. Mr. Cordova, did you tell Agent Acee on  
25   December 15th of 2017 that you observed Molina exit

1 the blue pod with a nurse and corrections staff?

2 A. No, ma'am.

3 Q. Did you tell Agent Acee on December 15th  
4 of 2017 that you saw Molina fall down onto the  
5 ground right outside the door?

6 A. Right where the door opens outside.

7 Q. That's another question, that's a yes or  
8 no. Okay? So I'm going to ask it. The answers are  
9 either yes or no.

10 A. I guess.

11 Q. Did you tell Agent Acee on December 15th  
12 of 2017 that you saw Molina fall down onto the  
13 ground right outside the door?

14 A. Yeah. I seen him fall down right outside  
15 the door. I was looking out --

16 Q. Wait. That's not -- the question --

17 A. Yes.

18 Q. Okay. We need be very clear.

19 A. Yes, ma'am.

20 Q. The question is not what you saw or what  
21 you now say you saw. The question is what you told  
22 Acee on December 15th. Do you understand the  
23 distinction?

24 A. Yes, ma'am. Yes.

25 Q. So let's try it one more time.

1 A. Yes, ma'am.

2 Q. On December 15th of 2017, did you tell  
3 Agent Acee that you saw Molina fall down onto the  
4 ground right outside the door?

5 A. Yes, ma'am.

6 Q. Okay. I want to talk to you a little bit  
7 about your testimony yesterday about Mr. Sanchez  
8 asking you for a shank.

9 A. Yes, ma'am.

10 Q. Okay. And maybe it was this morning, I  
11 can't remember if it was -- I think it was yesterday  
12 and again this morning. And I think what you told  
13 this jury was that either on March 6th or 7th,  
14 Daniel Sanchez asked you for a shank or a fierro.

15 A. Yes, ma'am.

16 Q. So I'm correctly stating what your  
17 testimony was here in this trial?

18 A. Yes, ma'am.

19 Q. First of all, did you tell that to the FBI  
20 at any point in 2014, during any of your interviews?

21 A. I can't recall, Miss.

22 Q. Did you tell that to the FBI or law  
23 enforcement at any point during 2015?

24 A. I can't recall, Miss.

25 Q. Did you tell that to the FBI or law

1 enforcement at any point during the year 2016?

2 A. I can't recall, Miss.

3 Q. Well, the first time you ever mentioned to  
4 anybody in law enforcement about Mr. Sanchez  
5 supposedly asking you for a shank was on this same  
6 December 15th, 2017 phone call, wasn't it?

7 A. I can't recall, Miss. I don't -- no, that  
8 was not the first time, I don't believe so.

9 Q. Well, when you brought it up on December  
10 15th of 2017, did you say that Mr. Sanchez asked you  
11 for a shank on March 6th or 7th, right before  
12 Mr. Molina was killed?

13 A. Yes, ma'am.

14 Q. Let me ask you a question. This is a  
15 another one of those yes-or-no questions, and it  
16 regards what you told Agent Acee. Are you ready for  
17 it?

18 A. Yes, ma'am.

19 Q. So on December 15th of 2017, did you tell  
20 Agent Acee the following: While living in yellow  
21 pod in March 2014, Cordova had a fierro, or shank.  
22 About a week before Urquizo and Varela arrived,  
23 Daniel Sanchez asked Cordova for his shank?

24 A. Yes, ma'am.

25 Q. Do you agree with me that that's different



1 than what you've told this jury during this trial?

2 A. Yes, ma'am.

3 MS. JACKS: I have nothing further.

4 THE COURT: Thank you, Ms. Jacks.

5 Anything from Mr. Baca, Ms. Duncan?

6 MS. DUNCAN: No questions, Your Honor.

7 THE COURT: Thank you, Ms. Duncan.

8 All right. Mr. Castellano, do you have  
9 redirect?

10 MR. CASTELLANO: Yes, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. CASTELLANO:

13 Q. Mr. Cordova, if you didn't say anything to  
14 the FBI about the Molina murder, how did you find  
15 yourself next to Mr. Perez and Mr. Herrera? Did  
16 that magically happen without you telling them  
17 something about the Molina murder?

18 A. I told them about the Molina murder.

19 Q. And so when you told them, you testified  
20 yesterday you knew someone was missing when you saw  
21 the people come into MDC in December; is that  
22 correct?

23 A. Yes, sir.

24 Q. As so when that happened, once again, how  
25 did you find yourself next to Mr. Perez and

1 Mr. Herrera if you didn't say anything to the FBI  
2 about that?

3 A. Because they put me there because I told  
4 them about the murder.

5 Q. That would make sense, wouldn't it?

6 A. Exactly.

7 Q. Is it your testimony that you believe that  
8 each of these individuals would say something to you  
9 about the Molina murder because they were in fact  
10 involved with it?

11 A. Yes.

12 Q. And did each of them make admissions to  
13 you about their involvement in the Molina murder?

14 A. Yes.

15 Q. The defense attorneys asked you about --  
16 Mr. Perez' attorney asked you about why you said  
17 certain things on the phone in terms of facing the  
18 death penalty and threats to your family. Why did  
19 you say things like that to your family on the  
20 phone?

21 A. My family come from the same background I  
22 come from. My mom is a Sabarenas (phonetic),  
23 Barelás. My dad used to run drugs. My family, they  
24 look down on rats. My whole life I was taught never  
25 to rat.

1 I was conflicted. I was going through --  
2 I didn't know my phone calls were going to be blown  
3 up like this. You know, it was just something to  
4 help me cope with what I was doing.

5 Q. Let me ask you this. How did people like  
6 your mom and your dad feel about you cooperating  
7 with the Government? Do they support that?

8 A. No, they don't. Before my wife didn't  
9 even support it until I kind of talked her into it.  
10 Then she was like, "I got you." You know what I  
11 mean? And like I said, you know, I thought they  
12 were private conversations with my family. I was  
13 going through a lot of conflicted emotions at the  
14 time.

15 Q. Let's talk about that. You told us  
16 yesterday that you were in a gang before age 10.

17 A. Yes, sir.

18 Q. And so what have you known your whole  
19 life?

20 A. Never to rat. And what civilians see as  
21 right, we see as wrong. What you guys see as wrong,  
22 we see as right. And my whole life I was taught  
23 that.

24 Q. So what were you conflicted about when you  
25 decided to cooperate with the Government?

1           A.     My whole reputation, everything I ever  
2     worked for, and I worked hard for it. I did years  
3     in solitary confinement for it. I've been stabbed.  
4     I've been beat up. I've been shot at. Been shot.  
5     I defended my neighborhood. I fought hard for my  
6     reputation. And to me, that's who I was. When I  
7     did this, I was just tired. I had enough.

8           Q.     And when you -- before you cooperated,  
9     what would you have done to people like you?

10          A.     I would have smashed them or I'd have  
11     killed them. And I have. I've smashed rats. I've  
12     done bad things to people that have doing what I'm  
13     doing, yes.

14          Q.     Now, there is talk about rumors about  
15     moving on Rudy Perez. Would anyone have moved on  
16     Rudy Perez without paperwork?

17          A.     No. Those are rumors. You just need  
18     black and white to prove it.

19                 MR. VILLA: Objection. Your Honor, he's  
20     speculating about what other people might have done.

21                 THE COURT: Well, he can give his  
22     understanding. He'll couch it in those terms.

23     BY MR. CASTELLANO:

24          Q.     Like you said, at this point it was a he  
25     said/she said about what he may or may not have said

1 to law enforcement.

2 A. You can't move on another brother without  
3 that. Not in those times. Brothers were putting a  
4 stop to that.

5 Q. And Rudy Perez made pretty clear to you  
6 that he's a solid brother who follows the rules;  
7 isn't that true?

8 A. Yes.

9 Q. And did he tell you that when New Mexico  
10 State Police asked him about the shanks, that he  
11 said that he was in the shower when they  
12 disappeared? Did he tell you that?

13 A. That he was in the shower when they  
14 disappeared?

15 Q. He wasn't even there whenever the shanks  
16 gotten taken.

17 A. Yes. He told me he wasn't around when the  
18 shanks got taken.

19 MS. JACKS: Excuse me, Your Honor. To the  
20 extent that the cross-examination is referencing  
21 statements by Mr. Perez, we'd request limiting  
22 instructions.

23 THE COURT: Since these statements are  
24 part of telephone calls, I will give the limiting  
25 instructions. These are statements that we're going

1 over from the telephone calls, so you can only  
2 consider them as to Mr. Perez, not as to the other  
3 three gentlemen.

4 Mr. Castellano.

5 BY MR. CASTELLANO:

6 Q. Isn't that what a good brother does, he  
7 throws law enforcement off and doesn't make  
8 admissions?

9 A. Of course. That's why I denied it in  
10 2014, when they came and asked me, of course I'm not  
11 going to tell.

12 Q. I was going to get to that. So in 2014,  
13 law enforcement approaches you about what you know  
14 about Molina. Were you a good SNM member at that  
15 time?

16 A. Yes, I was active. And of course I'm not  
17 going to rat to law enforcement and ruin my career.  
18 It's a career. When you're a gang member like we  
19 are, what you guys see, lawyers. Imagine, yourself,  
20 Mr. Castellano, right now, in your life, in your  
21 career, if you picked up a charge, how life breaking  
22 that would be; right?

23 Q. I understand your point.

24 A. Well, that's the same way I feel right  
25 now. I'm ratting. I'm a rat. In our world, I'm a

1 piece of junk. I'm worthless now. I'm scum. I  
2 threw all my reputation away. All my career.

3 And I know it's hard for some of these  
4 people to understand because they never lived it,  
5 but when I put it in them terms, if one of these  
6 individuals, these lawyers right now were to pick up  
7 a charge --

8 MS. JACKS: Excuse me, Your Honor. I  
9 don't think there is any question pending.

10 A. You know what I'm saying?

11 THE COURT: Well, let's go to a question  
12 and answer.

13 BY MR. CASTELLANO:

14 Q. I need you to listen very carefully to my  
15 questions. I'm going to give you lots of chances to  
16 explain things that the defense attorneys didn't let  
17 you. Okay?

18 A. Yes.

19 Q. I'm going to cover all those areas.

20 MR. VILLA: Objection, Your Honor, to the  
21 comment.

22 THE COURT: Let's not comment on the  
23 evidence. Just ask questions.

24 MR. VILLA: Well, it's the comment that  
25 the defense attorneys didn't let --

1 THE COURT: I said don't comment on it.  
2 So that's been taken care of, Mr. Villa.

3 Mr. Castellano.

4 BY MR. CASTELLANO:

5 Q. Mr. Cordova, we're going to take our time  
6 with this and I'm going to give you a chance to  
7 explain. Okay? I need you to listen very carefully  
8 to my questions and we're going to take them one at  
9 a time.

10 You were asked by Mr. Perez' attorney  
11 about Mr. Perez being sick and him having the walker  
12 and him having medications and things of that  
13 nature. Do you remember that?

14 A. Yes, sir.

15 Q. Now, when you asked him questions almost  
16 two years after the Molina murder, did he seem to  
17 have any problem understanding what you were asking  
18 him?

19 A. No, sir.

20 Q. Was that captured on the recordings?

21 A. Yes, sir.

22 Q. So even two years later with his illnesses  
23 and his medications, did he seem to have any problem  
24 understanding what you were saying?

25 A. No sir.



1 Q. Or recalling what he did?

2 A. No, sir.

3 Q. You were asked about a previous question  
4 when you testified before this Court about using  
5 drugs. Do you remember that?

6 A. Yes, sir.

7 Q. Now, do you know how the defense attorneys  
8 know that you used drugs?

9 A. Because I was honest. I came forth and I  
10 said this is -- I've been messing up, man.

11 Q. Who did you tell that to?

12 A. I told that to you.

13 Q. And when you told that to me, did you know  
14 I would tell the defense attorneys about that?

15 A. Yes.

16 Q. So the only reason they know about it is  
17 because you told us?

18 A. Yes.

19 Q. And what was going on in your life at that  
20 point when you decided to use those controlled  
21 substances?

22 A. I made a very bad mistake in my life and I  
23 did what I did in that visiting room and I was  
24 stupid. I felt like everything I did -- because  
25 when I was a gang member, an SNM Gang member, I was

1 real well respected, not only with them but in the  
2 streets by other gang members. I had real respect  
3 in the streets.

4 Q. So how were you feeling about that then  
5 with this change to being a cooperating witness?

6 A. When I did that for the federal government  
7 and the stupid decision I made that day in the  
8 visiting room, I was like what am I doing? I'm  
9 still destroying everything I touch. Everything I'm  
10 touching, I'm still destroying it. You know, I'm  
11 not going to lie. There was times I wake up in my  
12 sleep saying I should have just pled the Fifth. I  
13 had conflicting emotions inside me. I was  
14 struggling myself because now I'm a rat.

15 Q. Were there times, then, where even you  
16 were still having some hesitation about cooperating?

17 A. Yes, there was.

18 Q. You were asked a question about beating  
19 your wife for the SNM. Was that SNM related?

20 A. Yes, it was.

21 Q. And does the SNM require you to put them  
22 first before anybody else?

23 A. You put them before anything else. Even  
24 before yourself, you're supposed to at all times.

25 Q. You were asked about whether you were

1 involved in the Shane Dix homicide. Do you remember  
2 that?

3 A. Yes. I wasn't involved.

4 Q. And did you provide law enforcement the  
5 names of the people who were involved?

6 A. Yes.

7 Q. Were those people charged?

8 A. Yes.

9 Q. When there is discussion about Rudy Perez  
10 cooperating, was there any proof at that time that  
11 he'd cooperated?

12 A. No.

13 Q. You were asked by Rudy Perez' attorney  
14 about whether doing a little includes keeping your  
15 mouth shut.

16 A. Yes.

17 Q. Do you recall that Rudy Perez did more  
18 than just keep his mouth shut?

19 A. Yes.

20 Q. What did he do?

21 A. He provided the shanks that were used.

22 MR. VILLA: Objection, Your Honor. It's  
23 mischaracterizing. This is what Mr. Perez said, not  
24 what he actually did.

25 MS. JACKS: I would join in that and ask

1 that it be limited as well.

2 THE COURT: Well --

3 MR. CASTELLANO: I'll be happy to  
4 rephrase, Your Honor.

5 THE COURT: Well, I've got a couple of  
6 objections here. I've given a limiting instruction,  
7 I'll give it again. These are conversation with  
8 Mr. Perez. You're not to consider them as to the  
9 other three defendants.

10 All right. Rephrase your question.

11 BY MR. CASTELLANO:

12 Q. What did Mr. Perez admit to you that he  
13 did?

14 A. He gave the shanks from -- the metal from  
15 his walker to produce the shanks to kill Javier  
16 Molina. So yes, he did more than just keep his  
17 mouth shut.

18 Q. In this case you talked about the  
19 paperwork that you saw. Did you receive a tablet in  
20 this case with any discovery on it?

21 A. No, sir. I was never charged, so --

22 Q. Do you even know if the paperwork is on  
23 the tablets?

24 A. I can't tell you. I've never seen the  
25 tablets. You guys have tablets.

1 MR. CASTELLANO: If we can, can we pull up  
2 Exhibit 179? It's on the defense side. It's going  
3 to be Exhibit 179.

4 MS. JACKS: I thought defendants' exhibits  
5 started with letters?

6 MR. CASTELLANO: It's the Government's  
7 Exhibit 179, but it was shown by the defense today  
8 on the visualizer.

9 BY MR. CASTELLANO:

10 Q. Go to page -- once we get there, if we can  
11 go to page 20535, please.

12 Now, at any point did Mr. Perez tell you  
13 that he was worried that he was going to be hit over  
14 all this talk?

15 A. No.

16 Q. And when you mentioned to him that people  
17 were talking about him, did he at least defend his  
18 honor?

19 A. Yes.

20 Q. And did he tell you that he'd already  
21 spoken to other people and they told him that he was  
22 fine?

23 A. Yes.

24 Q. And I'm going to show you an example here  
25 on 20535, where it says "When everything went down

1 and the discovery actually got there, Baby G shot me  
2 with -- we got -- he said Rudy, don't worry, it's  
3 exactly like you said." Who is Baby G?

4 A. Baby G is another influential member in  
5 the SNM organization.

6 Q. So would you describe him as influential?

7 A. Yes.

8 Q. And who was Baby G close to?

9 A. Anthony Ray Baca, Pup.

10 Q. So all the way to the top, basically?

11 A. Yes, the jefe of the organization.

12 MS. BHALLA: I object to the  
13 characterization.

14 THE COURT: Overruled.

15 A. Yeah, he's the jefe of the organization.

16 BY MR. CASTELLANO:

17 Q. So in terms of him explaining to you the  
18 position he was in, did he seem to have any concern  
19 given the fact that Baby G told him he was fine?

20 A. Yes. No, he didn't have no concerns.

21 Q. Okay. Now, in Exhibit 185, there's a  
22 discussion about Jesse Sosa and the paperwork. And  
23 Mr. Perez said he heard about it. Do you remember  
24 that?

25 A. Yes.

1 Q. So if you're talking about Jesse Sosa and  
2 paperwork, can you be talking about anything else  
3 other than Molina?

4 A. No.

5 Q. And as Mr. Perez was criticizing the way  
6 that the Molina murder went down, do you remember  
7 what he said about how he would have done it?

8 A. Yes.

9 Q. How was that?

10 A. Clean.

11 Q. And how would it have been clean? What  
12 was his idea about a clean hit?

13 A. Not jeopardizing the ride that way so we  
14 could have still came out to the lines.

15 Q. What do you remember him saying about,  
16 something about a hotshot?

17 A. Yes. He said I would have gave him a  
18 doble, a hotshot, killed him that way. He said he  
19 was -- if I was a drug addict and liked to use  
20 drugs, so it will be cleaner.

21 Q. Was that captured on the recordings?

22 A. Yes, sir.

23 Q. So did he say it shouldn't have happened  
24 or it should have just happened cleaner?

25 A. No, he never said it shouldn't have

1 happened, he said it should have happened cleaner.

2 THE COURT: Mr. Castellano, would this be  
3 a good point for us to take our lunch break?

4 MR. CASTELLANO: Yes, Your Honor.

5 THE COURT: All right. We'll be in recess  
6 for about an hour. All rise.

7 (The jury left the courtroom.)

8 THE COURT: All right. We'll be in recess  
9 for about an hour.

10 (The Court stood in recess.)

11 THE COURT: All right. We'll go on the  
12 record.

13 Is there anything we need to discuss  
14 before we bring the jury in? Anything I can do for  
15 you, Ms. Armijo?

16 MS. ARMIJO: No, Your Honor.

17 THE COURT: How about from the defendants?  
18 Anything we need to discuss, anything I can do for  
19 you?

20 MS. BHALLA: No, thank you, Your Honor.

21 MS. ARMIJO: Your Honor, I do have  
22 something.

23 THE COURT: Okay.

24 MS. ARMIJO: I believe after Mr. Cordova  
25 is done, which hopefully will be soon here, we have



1 two more witnesses and then the defense is going to  
2 start their case.

3 Ms. Jacks has indicated she's going to  
4 call an investigator, and she has basically what  
5 would be Jencks, what he's going to testify about, a  
6 report. As you know, we gave Jencks early in this  
7 case. We've requested it. And she said she's not  
8 going to give it to us until we rest. We request  
9 that now so we can start working on it since he will  
10 be a witness this afternoon.

11 MS. JACKS: And having just spoken with  
12 Ms. Armijo, I was on my way over to give her the  
13 report. It's not worth fighting over.

14 MS. ARMIJO: Okay.

15 And, Your Honor, just along those same  
16 lines, I believe I made a written request for Jencks  
17 a couple of days ago. I know we had the issue this  
18 morning that I believe has been resolved, but I just  
19 want to put on the record that if there is any  
20 Jencks or reports that any experts are relying on or  
21 anything else, that we request that to be disclosed  
22 right away.

23 THE COURT: Can the defendants live with  
24 that request?

25 MR. VILLA: Your Honor, I don't know what

1 Jencks is, because I think Jencks only applies to  
2 the Government. But certainly if there were a  
3 report, I could understand that.

4 THE COURT: Well, I think that's what  
5 Ms. Armijo is saying. It's not technically Jencks  
6 material, but it's a description of statements by  
7 the witness. Everybody agree to produce those as  
8 soon as possible?

9 MR. VILLA: Yes, Your Honor.

10 THE COURT: Do you agree with that,  
11 Mr. Lowry?

12 MR. LOWRY: Absolutely, Your Honor. The  
13 only thing we would have is the reports from the  
14 forensic expert, Tim Bryan. But they have  
15 everything that we've had. And we've agreed to give  
16 them -- to give it to them as soon as we get it.  
17 Other than that, I'm not aware.

18 THE COURT: Just do a mental checklist,  
19 and see if you remember any statements the witness  
20 made, and try to get them to the Government as soon  
21 as possible.

22 All rise.

23 (The jury entered the courtroom.)

24 THE COURT: All right. Mr. Cordova, I'll  
25 remind you that you're still under oath.

1 THE WITNESS: Yes, Your Honor.

2 THE COURT: Mr. Castellano, if you wish to  
3 continue your redirect, you may do so at this time.

4 MR. CASTELLANO: Yes, Your Honor. Thank  
5 you.

6 BY MR. CASTELLANO:

7 Q. Okay. Mr. Cordova, turning to the time  
8 when you abused the contact visits at the prison.  
9 Do you remember that?

10 A. Yes, sir.

11 Q. And do you remember whether the FBI  
12 recommended that you be investigated for that both  
13 through New Mexico State Police and Child Protective  
14 Services?

15 A. Yes, sir.

16 Q. Were you charged with any crimes as a  
17 result?

18 A. No, sir.

19 Q. I'm going to draw your attention to  
20 Defendants' EJ. This is the letter about the pizza  
21 party. Do you remember that?

22 A. Yes, sir.

23 Q. So had you read this letter before?

24 A. I believe no.

25 Q. Did you write this letter?

1 A. No, sir.

2 Q. Did you know what was in the letter?

3 A. No, sir.

4 Q. Now, despite the fact that you may not  
5 have read the letter beforehand, did you still have  
6 this pizza party?

7 A. Yes, sir.

8 Q. And were people allowed to visit you,  
9 including family?

10 A. Yes, sir.

11 Q. Was that a big deal to you?

12 A. What do you mean, "a big deal"? Like --

13 Q. Well, was it nice to have family visit  
14 you?

15 A. Yes, I appreciate it.

16 Q. And even though you didn't write the  
17 letter, did you also reject the beliefs and values  
18 of the SNM when you decided to become a cooperator?

19 A. Yes.

20 Q. And did you find your previous actions as  
21 an SNM Gang member shameful?

22 A. Yes, sir.

23 Q. Now, it talks about being a full and  
24 responsible participant in our society. Is that  
25 what you'd like to do?

1 A. Yes.

2 Q. Are you perfect?

3 A. No.

4 Q. Do you still make mistakes?

5 A. All the time.

6 Q. And here it claims, "We are proud of our  
7 cooperation with NMCD and the FBI." For you, is  
8 that true or not?

9 A. To be honest with you, I wish I would  
10 never had to go out like this. I wish I would have  
11 never had to be a rat. I still have conflicting  
12 emotions about that.

13 Q. So even today, is it difficult for you to  
14 be doing something like this?

15 A. Of course.

16 Q. Pretty much immediately after this is  
17 discovered, the FBI cut you off as a confidential  
18 human source; right?

19 A. Yes, sir.

20 Q. And you were asked whether you recorded  
21 somebody named Gabriel Valdivia in April of 2017.  
22 Do you remember that?

23 A. Yes, sir.

24 Q. And even though you weren't getting  
25 compensation or anything from the FBI, did you agree

1 to do that for the corrections department?

2 A. Yes, sir.

3 Q. Who was Mr. Valdivia?

4 A. Valdivia, he was a real Sureno. He was  
5 hooked up in the federal system with the Mexican  
6 Mafia. And he thought I was still an active SNM  
7 Gang member so he tells me, "Hey, check this out,  
8 homie, I got word from my homies" --

9 Q. I won't ask you what he said. But let me  
10 ask you this. Did he tell you about incriminating  
11 things?

12 A. Yes. He told me about some stabbing.  
13 He's told me about some criminal activity and about  
14 joining up forces with the SNM. Kind of scared me.

15 Q. Were you able to capture some of the  
16 things that he said on recordings?

17 A. Yes.

18 Q. Earlier you were trying to make a  
19 distinction between working for the FBI and things  
20 you said the administration wanted you to do. Do  
21 you remember that? First of all, who are you  
22 referring to when you say the administration?

23 A. The administration is the prison. Like  
24 going to RPP, when you're there -- once you're  
25 there, that's why I say it's not like a real

1 opportunity because they expect for you to tell on  
2 everything. And you're so much under the microscope  
3 because you're an ex-prison-gang member, they expect  
4 you to to tell on every little thing. That's not  
5 the way I was raised.

6 Q. Is RPP part of the FBI?

7 A. No, sir.

8 Q. You were asked if you were housed next to  
9 Mario Rodriguez and other people who are cooperators  
10 in this case in 2015. When you were housed next to  
11 those people, were they cooperating?

12 A. No, sir.

13 Q. And do you recall that people weren't even  
14 charged in this case until December of 2015?

15 A. Correct, sir.

16 Q. So to say you were housed next to  
17 cooperators in 2015, did you know that any of them  
18 were cooperating at that time?

19 A. No, sir.

20 Q. Now, you were asked about people --  
21 basically people talking smack about Carlos Herrera  
22 and he got talking on the recordings. Did you put  
23 words in his mouth?

24 A. No, sir.

25 Q. Are those words Carlos Herrera's words on

1 the recordings?

2 A. Yes, sir.

3 Q. Now, you were asked about benefits. And  
4 in your mind, were some of the things you received  
5 the result of renouncing SNM membership?

6 A. Yes, sir.

7 Q. Now, when you got paid from the FBI, that  
8 was a benefit, wasn't it?

9 A. Yes, sir.

10 Q. Now, when you got moved out of solitary  
11 confinement, was your understanding that was a  
12 result of cooperation or for renouncing the gang?

13 A. Renouncing the gang.

14 Q. What about getting moved into RPP?

15 A. Renunciation of the organization.

16 Q. What about your phone calls?

17 A. Renunciation of the organization. All  
18 administrative stuff.

19 Q. What about your contact visits?

20 A. Yes, the same thing, the renunciation of  
21 the organization and all administrative stuff, I  
22 believe.

23 Q. And when you abused the privilege for  
24 contact visits, did you get those anymore?

25 A. No, sir.



1 Q. And what else did you get in terms of  
2 punishment from the Corrections Department?

3 A. I got six months in the hole in lockup. I  
4 got one year loss of all phone calls, all canteen  
5 privileges, all visits. All that stuff.

6 Q. You were also asked about the witness  
7 protection program.

8 A. Yes, sir.

9 Q. What's your understanding of that program?

10 A. My understanding to that program is that  
11 they help you for your first six months, get on your  
12 feet. That way they set you up so you could be a  
13 productive member of society instead of just  
14 throwing you out there. That's what's always been  
15 my understanding, is that. It's what they do with  
16 individuals, they take them, they change their name,  
17 their identity and they set them up with a job. And  
18 they start them off in an apartment and start them  
19 off with like a car or something, nothing fancy.  
20 But they help them. They give them like a hand up  
21 in society, that way they can go on and be better.

22 Q. What's your understanding of what happens  
23 basically once you get on your own two feet?

24 A. They cut you off. I think it's only a  
25 six-month process. By then, you've got to do

1 everything else on your own.

2 Q. What's your understanding if you violate  
3 the rules of that program?

4 A. The same thing. They terminate you.

5 Q. Now, are you in that program now?

6 A. No, sir.

7 Q. Do you hope to be in that program?

8 A. To be honest with you, at this point I  
9 don't -- I don't know.

10 Q. Are you even sure about that?

11 A. Right now, it's just -- everything that's  
12 going through me right now, I just -- it's hard.  
13 It's hard. I don't even know -- I don't know what  
14 I'm going to do when I get out. I don't.

15 All my life, I've lived this way, been a  
16 gang member. And now I don't have no credibility on  
17 the streets. I'm a felon. I'm all covered in  
18 tattoos. Tattoos that I earned by putting in work  
19 for the gang. So you can tell they're gang members  
20 tattoos. Ain't too many people going to trust me,  
21 you know, so it's kind of a hard decision.

22 Q. Do you have an SNM tattoo on your elbow?

23 A. All my tattoos are SNM except two of them.

24 Q. Can you show us your elbow, please?

25 A. (Witness complies.)

1 Q. And what is that tattoo basically on your  
2 forearm?

3 A. It's a Zia with SNM in it.

4 Q. Is that one of your SNM tattoos?

5 A. Well, yes, all of them are. My neck, my  
6 face, my arms. One on my chest.

7 Q. Now, how does that work out for you being  
8 a renounced member of the SNM gang with SNM all over  
9 your body?

10 A. It's not good. Because we're not only  
11 hooked up with SNM, we're hooked up with many other  
12 organizations around the United States, many other  
13 organizations. And I'll not only have a death  
14 sentence from the SNM, but every other organization  
15 that's out there. And if -- having these tattoos  
16 ain't good.

17 Q. Why might someone like you need the  
18 witness protection program?

19 A. Because I'm going to be -- I'm going to  
20 have a death sentence on my head by any real active  
21 gang member out there of any real organization.  
22 Because we all work together and network in the  
23 prison system.

24 MR. CASTELLANO: Can I have Government's  
25 Exhibit 162, please?

1 Q. I'm not sure you'll be able to see it from  
2 this exhibit, Mr. Cordova, but I'm going to try.  
3 Going back to blue, yellow and green pods. You  
4 mentioned earlier you thought that you could see  
5 Javier Molina whenever he fell.

6 A. Yes, sir.

7 Q. How could you do that from there?

8 A. There's a door in yellow pod, it has a  
9 window on it. And you could look out in the  
10 horseshoe and you can see the door in blue pod, when  
11 it opens and shuts. And as it opened, like say  
12 you're coming out but you're not out, but right  
13 there at the wall and the doors is where I seen him  
14 fall down.

15 Q. You mentioned something that's a  
16 horseshoe. Is this considered the horseshoe?

17 A. Yes, sir.

18 MR. CASTELLANO: For the record, I have  
19 made a U shape around the officer station area on  
20 Government's Exhibit 162.

21 Q. And it looks like this is blue pod here.  
22 Is there a line of sight from yellow pod towards  
23 blue pod?

24 A. Yes, sir. Through the window of the pod  
25 door. It opens, look through the window, and you

1 can see when blue pod's door opens or shuts.

2 Q. Where do you recall seeing Javier Molina?

3 A. Up against this wall or -- I don't know if  
4 I can --

5 Q. Right here?

6 A. Yes. Right there on that wall, kind of  
7 where you're coming out of the door but not fully  
8 out of the door yet. I seen him right there.

9 Q. So that's the door to blue pod, is that  
10 correct? Where it opens up into the horseshoe?

11 A. Yes, sir.

12 Q. And from there -- now, did you see him  
13 walking out? There is mention of a nurse and Javier  
14 Molina in the report. What do you remember about  
15 the nurse and Javier Molina?

16 A. The CO sends the nurse out of the unit.  
17 Tells the nurse to leave.

18 Q. Out of which unit?

19 A. Out of 1-A, our unit.

20 Q. So out of yellow unit?

21 A. Yes.

22 Q. Was the nurse at that time giving out meds  
23 in your unit?

24 A. Yes. Yes, she was giving out meds. She  
25 was doing her rounds, giving out medication. And

1 one of the officers that are with her, when they  
2 started calling lockdown in the control center --  
3 the control center is above the pods, they're  
4 yelling lockdown. And they're all looking into blue  
5 pod.

6 I go to the door and I peek out. And I'm  
7 looking, because the action, you can tell it's kind  
8 of going on right there. And the officer is telling  
9 the nurse, leave, boom, like get out of here, out of  
10 the unit door that's located right here. They tell  
11 her to leave.

12 And then they open blue pod, to go into  
13 blue pod, and that's when I seen Javier Molina.

14 Q. Now, we won't say where you're currently  
15 housed, but before trial, were you and other  
16 witnesses transported to a certain facility?

17 A. Yes, sir.

18 Q. Did you have any choice about --

19 A. No, sir.

20 Q. -- when or where you were transported?

21 A. No, sir.

22 Q. I want to ask you about your debriefs with  
23 the FBI. Do you remember first meeting with the FBI  
24 on January 4th of 2016?

25 A. I don't know the exact date, but around

1 that time, yes, sir.

2 Q. It's okay if you don't remember dates. If  
3 you need to see the report to refresh your  
4 recollection, let me know if you can't remember.

5 After that date, do you remember meeting  
6 with them three days later, on January 7th, 2016?

7 A. I know the first meeting, and yes,  
8 afterwards it was, yeah, a couple of days later.

9 Q. And then when you met with them on the  
10 first occasion, do you remember telling them things,  
11 basically -- first of all, about putting in work and  
12 what that means for the SNM?

13 A. Yes.

14 Q. Do you remember on that occasion whether  
15 you told them beginning in 2005 that you had  
16 purchased cocaine, purchased drugs from Chris Garcia  
17 and had gotten those into the prison for Daniel  
18 Sanchez and Benjamin Clark?

19 MS. JACKS: Objection. Beyond the scope  
20 of cross.

21 THE COURT: Overruled.

22 A. Yes, sir.

23 BY MR. CASTELLANO:

24 Q. And so back in January of 2016, you said  
25 these things to the FBI?

1 A. Yes, sir.

2 Q. And during that meeting do you remember  
3 giving them SNM members' names and discussing  
4 internal SNM conflicts?

5 A. Yes, sir.

6 Q. Do you remember even telling them things  
7 about people like Leroy Torrez and the startup of  
8 the All Stars?

9 A. Yes, sir.

10 Q. Did you tell them about Arturo Garcia and  
11 issues with him?

12 A. Yes, sir.

13 Q. Is that when you had talked about actually  
14 killing Garcia in an effort to seize power and  
15 remove him?

16 A. Yes, sir.

17 Q. So does the defense know that you wanted  
18 to kill Garcia because that's what you told the FBI  
19 and it was in a report?

20 A. Yes, sir.

21 Q. Did you also tell the FBI on that occasion  
22 about narcotics trafficking?

23 A. Yes, sir.

24 Q. And so if you remember, do you remember  
25 this report being approximately three pages?



1           A.    I don't remember. I don't write the  
2 pages. I don't write the reports.

3           Q.    And did you tell the FBI everything you  
4 knew about the SNM on that occasion?

5           A.    Most of it, yes.

6           Q.    Do you remember then next sitting down and  
7 speaking with the FBI on February 9th of 2016?

8           A.    Yes, sir.

9           Q.    Do you remember if on that occasion you  
10 told them about Rudy Perez and how he had provided  
11 his walker to make shanks for the Molina murder?

12          A.    I remember at one point --

13               MR. VILLA: Objection to the  
14 characterization. What he said and what he did.

15          Q.    I can refresh your memory if you don't  
16 remember the specific words, sir.

17          A.    Can I see it?

18          Q.    Sure.

19               MR. CASTELLANO: May I approach, Your  
20 Honor?

21               THE COURT: You may.

22 BY MR. CASTELLANO:

23          Q.    Mr. Cordova, why don't you review this  
24 quietly to yourself. And once your memory is  
25 refreshed, you can let us know.

1 A. Yes.

2 Q. And you see the date?

3 A. Yes.

4 Q. So first of all, do you remember that date  
5 being February 9th of 2016?

6 A. Yes, that's what the report says.

7 Q. What do you recall telling the FBI about  
8 Rudy Perez on that occasion?

9 A. That he provided the shanks that were used  
10 to kill Javier Molina from his walker.

11 MS. JACKS: Your Honor, to the extent that  
12 that's based on statements allegedly from Mr. Perez,  
13 we'd ask that that be limited.

14 THE COURT: It will be so limited. Just  
15 consider it in your discussions of the deliberations  
16 against Mr. Perez, not the other three gentlemen.

17 BY MR. CASTELLANO:

18 Q. Do you remember giving the FBI information  
19 about both Carlos Herrera and his mother, Geraldine  
20 Herrera?

21 A. Yes, sir.

22 Q. What do you remember telling the FBI about  
23 teaching Geraldine Herrera how to conceal Suboxone  
24 strips in the mail?

25 A. I met up with them at a Wendy's when I got

1 out of prison. I gave them some Suboxones. And I  
2 had one already made, made up. There is a way we do  
3 it in the mail, and I showed them. I gave it to  
4 them and I showed them how to do it. And I gave  
5 them some to do themselves.

6 Q. Do you remember providing any information  
7 to the FBI about the Freddie Sanchez murder?

8 A. Yes.

9 Q. Do you recall if you gave information to  
10 the FBI about Mr. Baca wanting to divide New Mexico  
11 into rayos or regions?

12 MS. DUNCAN: Your Honor, I'm going to  
13 object. This is beyond the scope of cross.

14 THE COURT: Overruled.

15 A. Yes, sir.

16 BY MR. CASTELLANO:

17 Q. And did you learn that information  
18 directly from Mr. Baca?

19 A. Yes, sir.

20 Q. Did you provide any information to the FBI  
21 about a 2005 situation involving Cipriano Garcia and  
22 a hotshot?

23 A. Yes, sir.

24 Q. Do you remember meeting again with the FBI  
25 for a half page report on February 16, 2016?

1 A. No.

2 Q. If you don't remember, it's okay.

3 A. Repeat that. What was it?

4 Q. Do you remember meeting with the FBI again  
5 on February 16th of 2016?

6 A. The exact date, no, but more or less  
7 around that time I know that we had meetings.

8 Q. Would it help to refresh your recollection  
9 to see the report?

10 A. Yes, sir.

11 MR. CASTELLANO: May I approach, Your  
12 Honor?

13 THE COURT: You may.

14 A. I remember that.

15 BY MR. CASTELLANO:

16 Q. Is that February 16th of 2016?

17 A. Yes, sir.

18 Q. And do you remember providing information  
19 to the FBI about Sergio Rodriguez and his uncle, and  
20 the fact that they were supposed to kill someone  
21 called Big Paul?

22 A. Yes, sir.

23 Q. Do you recall giving information to the  
24 FBI about Manuel Benito's participation in the Felix  
25 Martinez murder?

1 A. Yes, sir.

2 Q. And are you aware of whether or not  
3 Mr. Benito has been charged by the FBI in another  
4 case?

5 A. I don't know. I don't know.

6 Q. Do you recall giving information to the  
7 FBI on July 12th of 2016? You were asked about that  
8 on cross-examination.

9 A. I guess, yeah, it's there. If it's there,  
10 yeah, I give it.

11 Q. At that point do you recall giving  
12 information to them about the Sammy Chavez murder?

13 A. Yes, sir.

14 Q. And regardless of who did it, did Sammy  
15 Chavez get murdered?

16 A. Yes, sir.

17 Q. Did you also provide information to the  
18 FBI about the Los Carnales member who was killed by  
19 the hotshot?

20 A. Yes, sir.

21 Q. Did you also give information to them  
22 about the Shane Dix murder?

23 A. Yes, sir.

24 Q. And the Michael Giron murder?

25 A. Yes, sir.

1 Q. Did you provide names that the FBI could  
2 look at to investigate them further?

3 A. Yes, sir.

4 Q. When you talked about your drug  
5 trafficking history, did you recall telling the FBI  
6 that one of the people you worked with was Chris  
7 Garcia?

8 A. Yes, sir.

9 Q. Do you remember the telephonic interview  
10 with Agent Acee on December 15th, 2017?

11 A. Yes.

12 Q. Do you know for sure?

13 A. Huh?

14 Q. Do you remember that date?

15 A. I don't remember the date, but I know we  
16 had a phone conference with my lawyer.

17 MR. CASTELLANO: May I approach the  
18 witness, Your Honor?

19 THE COURT: You may.

20 MS. DUNCAN: Your Honor, can we approach?

21 THE COURT: You may.

22 (The following proceedings were held at  
23 the bench.)

24 MS. DUNCAN: I object to this line of  
25 cross. I understand that Mr. Castellano has the

1 right to go through statements with this witness  
2 when he talked about Carlos Herrera or Rudy Perez,  
3 because that was brought up on cross. There are a  
4 bunch of statements in that Mr. Cordova -- not on  
5 cross, that have no statements about Mr. Herrera or  
6 Mr. Perez.

7 THE COURT: I think the defendant did a  
8 pretty good job of, you know, attacking Mr. Cordova  
9 about what he said to the FBI and when he said it  
10 and what he didn't say and things like that. So I  
11 think the Government is trying to rehabilitate him  
12 this way and I won't restrict it.

13 MS. DUNCAN: I understand that, Your  
14 Honor. But I didn't object on behalf of Mr. Baca,  
15 so I'm going to object to bringing in, "Did you say  
16 this about Mr. Baca." I don't think it's fair,  
17 given that I didn't make this challenge. And there  
18 are statements that didn't come in on direct.

19 THE COURT: Well, you know, there is a lot  
20 of statements made. If I started slicing and dicing  
21 and cutting into the Government's ability to  
22 rehabilitate him -- he was hit pretty hard on cross,  
23 and so I'm going to let him try to rehabilitate him  
24 how they can. If you need to recross, I'll  
25 certainly let you go into it.

1 MS. DUNCAN: Okay, thank you.

2 (The following proceedings were held in  
3 open court.)

4 THE COURT: All right. Mr. Castellano.

5 MR. CASTELLANO: Thank you.

6 BY MR. CASTELLANO:

7 Q. So Mr. Cordova, up to that point, it  
8 sounds like there was wide variety of topics and  
9 crimes that you discussed with the FBI. Is that  
10 fair to say?

11 A. Yes, sir.

12 Q. Now, in December of '15 -- December 15th  
13 of 2017, as we're approaching trial in this  
14 particular case, do you remember that Agent Acee  
15 called to ask specifically about the Molina homicide  
16 at that point?

17 A. Yes, sir.

18 Q. And at that point did you explain to him  
19 that in March of 2014, you mentioned names like  
20 Carlos Herrera, Lupe Urquizo and Mauricio Varela  
21 being in the pod with you?

22 A. Yes, sir.

23 Q. Do you recall if you shared with them the  
24 fact that Urquizo and Varela had brought paperwork  
25 on Molina?



1 A. Yes, sir.

2 Q. And at that time do you remember sharing  
3 with the FBI the members of the people who were on  
4 the tabla at Southern at that time?

5 A. Yes, sir.

6 Q. Do those names include Daniel Sanchez and  
7 Carlos Herrera?

8 A. Yes, sir.

9 Q. Did you also provide information on people  
10 on the tabla at PNM?

11 A. Yes, sir.

12 Q. I want to ask you about a specific  
13 statement you were asked about, which talks about  
14 Mr. Sanchez giving you -- asking for a shank about a  
15 week before Urquizo and Varela arrived. Do you  
16 remember that?

17 A. I remember him asking me for one, yes.

18 Q. Do you remember in the July 15th report  
19 that it indicates that the request was about a week  
20 before the homicide?

21 A. Yes, sir.

22 Q. Do you remember clarifying that in a  
23 January 24th, 2018 report, in which you indicated  
24 that that was approximately March 6th or 7th of  
25 2014?

1 A. Yes, sir.

2 Q. So when this was going on in 2014, were  
3 you taking notes at the time?

4 A. Of course not.

5 Q. In other words, were you saying at  
6 1:15 p.m., someone asked me this; at 2:15 p.m., I  
7 did that?

8 A. Put it this way. In that lifestyle,  
9 most -- half of the people we know by nicknames,  
10 because you don't want to know too much. Because  
11 when you know too much, certain things get leaked  
12 out, you don't want to be looked at. So no, I would  
13 never take notes. I never thought I would be doing  
14 this. I never thought I would be an informant rat.

15 Q. Do you recall giving a statement on  
16 December 15th of 2017 to Agent Acee about the fact  
17 that Daniel Sanchez told you not to worry about it  
18 because they'd gotten a fierro from a carnal's  
19 walker?

20 A. Yes, sir.

21 Q. Also on December 15th of 2017, in  
22 preparation for trial, did you at that time tell  
23 Agent Acee that Mr. Cordova -- that Mr. Herrera  
24 showed you the paperwork?

25 A. Yes, sir.

1 Q. And said, "This is going to happen"?

2 A. Yes, sir.

3 Q. On that occasion did you also share with  
4 them the fact that Mr. Herrera told you to talk to  
5 your people because you were going to be locked down  
6 for a while?

7 A. Yes, sir.

8 MR. CASTELLANO: May I have a moment, Your  
9 Honor?

10 THE COURT: You may.

11 MR. CASTELLANO: Thank you, Your Honor. I  
12 pass the witness.

13 THE COURT: Thank you, Mr. Castellano.  
14 Any defendants have recross? Mr. Villa?

15 MR. VILLA: Thank you, Your Honor.

16 THE COURT: Mr. Villa.

17 RECROSS-EXAMINATION

18 BY MR. VILLA:

19 Q. Mr. Cordova, I just want to follow up with  
20 you on a couple of things. You testified that the  
21 rumors that were going on about Mr. Perez at the  
22 time you recorded him wouldn't have been enough for  
23 the SNM to move on them; right?

24 A. Yes, sir.

25 Q. You did testify to that?

1 A. Yes, sir.

2 Q. And was it your testimony when I  
3 questioned you earlier that that wasn't going to  
4 happen, they weren't going to move on Mr. Perez?

5 A. Because they didn't have evidence, no.

6 Q. But you agree that you testified on  
7 December the 12th, 2017 to Judge Browning that they  
8 were going to move on him because they thought he  
9 was talking?

10 A. That was the conversation.

11 Q. You testified to that on December the  
12 12th, 2017, correct?

13 A. Yes.

14 Q. And you testified that they were going to  
15 move on him because they thought that he was  
16 cooperating?

17 A. Back then, yes.

18 Q. And I'm talking about your testimony under  
19 oath on December 12th, 2017.

20 A. Oh, back then, no. Before that.

21 Q. Well, time out. I'm asking -- Mr.  
22 Cordova, I'm asking you if that's what you testified  
23 to on December 12th.

24 A. Yes, sir.

25 Q. Okay. And getting back to the interview

1 that Mr. Castellano just talked to you about on  
2 December 15th, 2017, it's just three days later;  
3 right?

4 A. Yes, sir.

5 Q. The phone interview with your lawyer and  
6 Agent Acee.

7 A. Yes, sir.

8 Q. And in that particular interview, you told  
9 Agent Acee that the SNM had suspected that Mr. Perez  
10 had spoken to STIU?

11 A. Yes, sir.

12 Q. And you didn't say, "Gosh, what I  
13 testified to three days earlier, that wasn't right;  
14 they weren't going to move on him."

15 You didn't say that in that interview, did  
16 you?

17 A. I'm not understanding you.

18 Q. When you were interviewed on December  
19 15th, 2017 by Agent Acee, you didn't say --

20 A. I understand what you're saying, but it  
21 feels like you're putting words in my mouth because  
22 you're speaking about SNM politics and something you  
23 don't understand.

24 Q. Well, Mr. Cordova, let me ask you about  
25 something I do understand. Okay? Is that all

1 right?

2 A. Yes.

3 Q. What I understand is you had a  
4 conversation with Agent Acee on December 15th, 2017;  
5 right?

6 A. Yes.

7 Q. And would you agree with me that in that  
8 conversation, you did not say to Agent Acee that  
9 your testimony on December 12th that they were going  
10 to move on Mr. Perez was not true?

11 A. Because they had no justification. They  
12 had no paperwork.

13 Q. No, no. My question to you is: In your  
14 conversation with Agent Acee, you didn't say that to  
15 him, correct?

16 A. I'm not understanding you.

17 Q. Okay. So you testified on December 12th  
18 of 2017 --

19 A. Yes.

20 Q. -- that they were going to move on Rudy;  
21 right?

22 A. Yes.

23 Q. Then you talked to Agent Acee three days  
24 later, on December 15th; right?

25 A. They weren't going to move on Rudy. That

1 was the talk. If he was a rat.

2 Q. Mr. Cordova, answer my questions, please.

3 After you testified on December 12th, you talked to

4 Agent Acee on December 15th; right?

5 A. I'm not understanding you.

6 Q. Okay, let's try it again. You testified

7 under oath to Judge Browning on December 12th, 2017;

8 right?

9 A. Yes.

10 Q. And I showed you the statements that you

11 made in that hearing, didn't I?

12 A. So these are the same things that's in the

13 recordings.

14 Q. Mr. Cordova --

15 A. Same stuff.

16 Q. Mr. Cordova --

17 A. Yeah.

18 Q. I showed you your testimony from that

19 hearing, remember?

20 A. Yes.

21 Q. This morning I showed it to you; right?

22 A. And that I had already answered the

23 question.

24 Q. Okay. And so the question was: At that

25 hearing, you said they were going to move on

1 Mr. Perez; right? You said that. You testified to  
2 that on December 12th, did you not?

3 A. That's what's being said in the  
4 recordings. He knew that.

5 Q. I'm not asking you about --

6 A. There is no justification to it.

7 Q. Mr. Cordova, I'm not asking you about --

8 A. That was never a planned hit on Rudy  
9 Perez. I know what you're saying, what I testified  
10 to. If that's what's there, then that's what's  
11 there. I don't know. I don't know what to tell  
12 you.

13 Q. You were here. You testified; right?

14 A. Yes.

15 Q. So you ought to know what you testified  
16 about, shouldn't you?

17 A. Yes.

18 Q. And I showed you the testimony, didn't I?

19 A. Yes, sir.

20 Q. Was there any question in your mind that  
21 what I read to you was inaccurate?

22 A. No, sir.

23 Q. Okay. So that was December 12th.

24 A. Yes, sir.

25 Q. Now I'm talking about December 15th and



1 your conversation with Agent Acee.

2 A. Yes, sir.

3 Q. And in that conversation, you did not  
4 clarify anything about your testimony on December  
5 12th, did you?

6 A. No, sir.

7 Q. Now let's talk about the drugs.  
8 Mr. Castellano asked you how it was that we knew you  
9 had used drugs a month and a half or so -- I guess  
10 you said it was a couple weeks before your testimony  
11 on December 12th; right?

12 A. Yes, sir.

13 Q. And you said to Mr. Castellano that you  
14 were honest, you came forth about that; right?

15 A. Yes, sir.

16 Q. You came forward with that information?

17 A. Yes, sir.

18 Q. Right?

19 A. Yes, sir.

20 Q. That's not what you testified to on  
21 December 12th when you were under oath to Judge  
22 Browning, is it?

23 A. No, sir.

24 Q. Now, Mr. Castellano asked you about a  
25 statement that Mr. Perez made about the piece from

1 his walker coming up missing when he was in the  
2 shower. Do you remember that?

3 A. Yes.

4 Q. He asked you if Mr. Perez had said that to  
5 you during the time that you recorded him; right?

6 A. During the time he recorded me?

7 Q. That you recorded Mr. Perez.

8 A. I can't recall.

9 Q. Okay. But you recall Mr. Castellano  
10 asking you that question, about whether Mr. Perez  
11 made that kind of statement to you while you were  
12 recording him?

13 A. Yes, sir.

14 Q. And you said he didn't make that kind of  
15 statement.

16 A. I didn't make that kind of statement?

17 Q. Well, I think if I understand your  
18 testimony on redirect, was when Mr. Castellano asked  
19 you, "Did Rudy Perez say that he told police that  
20 the walker -- the piece from the walker came up  
21 missing while he was in the shower," you said, "He  
22 didn't tell me that."

23 A. I can't recall.

24 Q. Okay. If he had told you that he had made  
25 a statement about it to the STIU, he'd be in

1 trouble, wouldn't he?

2 A. Of course.

3 Q. Especially if he said in the statement to  
4 the STIU something that would be considered  
5 snitching or ratting; right?

6 A. Yes, sir.

7 Q. That would be a big problem if Mr. Perez  
8 had done that; right?

9 A. Yes, sir.

10 Q. Now, Mr. Castellano asked you about  
11 February 9th, 2016, when you were interviewed by  
12 Agent Acee or other members of the federal  
13 government; right?

14 A. No.

15 Q. Just a minute ago, Mr. Castellano asked  
16 you about that February 9th, 2016 statement; right?

17 A. Yes, sir.

18 Q. And in that statement you told the federal  
19 government that Rudy provided the shanks to kill  
20 Molina; right?

21 A. Yes, sir.

22 Q. But you don't actually know how that piece  
23 came off of Mr. Perez' walker, do you?

24 A. Yes, I know.

25 Q. Well, you know what Mr. Perez told you

1 when you recorded him; right?

2 A. Exactly.

3 Q. And when you recorded him in February of  
4 2016; right?

5 A. Exactly.

6 Q. You're assuming that what he told you is  
7 the truth, aren't you?

8 A. Exactly.

9 Q. But you don't know the truth because you  
10 weren't there?

11 A. Other members from the SNM --

12 Q. Mr. Cordova, let me get you to answer my  
13 question.

14 A. I wasn't there. I didn't visually see it.

15 Q. So you don't know how that piece from the  
16 walker actually came off the walker and made its way  
17 into the hands of the men that used it on Javier  
18 Molina, do you?

19 A. No, sir.

20 MR. VILLA: No further questions, Your  
21 Honor.

22 THE COURT: Thank you, Mr. Villa.

23 Anyone else have recross? Not seeing  
24 anybody, Mr. Castellano, do you have redirect?

25 MR. CASTELLANO: No, Your Honor.

1 THE COURT: All right. Mr. Cordova, you  
2 may step down.

3 Is there any reason Mr. Cordova cannot be  
4 excused from the proceedings, Mr. Castellano?

5 MR. CASTELLANO: No, Your Honor.

6 THE COURT: How about the defendants?  
7 Anybody object to him being excused from the  
8 proceedings?

9 MR. VILLA: No, Your Honor.

10 THE WITNESS: All right.

11 THE COURT: You're excused from the  
12 proceedings. Thank you for your testimony.

13 THE WITNESS: Thank you, guys.  
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25

1 UNITED STATES OF AMERICA

2 STATE OF NEW MEXICO

3  
4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,  
6 Official Court Reporter for the State of New Mexico,  
7 do hereby certify that the foregoing pages  
8 constitute a true transcript of proceedings had  
9 before the said Court, held in the District of New  
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my  
12 hand on this 1st day of April, 2018.

13  
14  
15 \_\_\_\_\_  
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